

Water Right Number 4129-3

1. Considered 10-6, 1 77
2. Name of Applicant ALBERT KIRSCHENMANN
3. Post Office Address EUREKA
4. Amount of water claimed .57
5. Source of water supply 71' DEEP WELL (EXISTING)
6. Water to be used for IRRIGATION
Acres to be irrigated 40
7. Water to be diverted and used in MC PHERSON County
about 6 S, 10 E Miles of EUREKA
8. Proof of Publication
Received 10-7-77
Not received
9. Application
Approved
Subject to
Not approved
Action deferred

10. Remarks:

Map No. 1716-3 Water Division No. 3 Missouri River District 2130
 No. 4129-3
 (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 Albert Kirschenmann
 Postoffice address Eureka State South Dakota 57437
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work Kirschenmann Addition
4. Amount of water claimed (cubic feet per second) .57
5. Source of water supply ground water
6. Location of point of diversion #1, 80 rods South and 145 rods East of the NW Corner;
#2, 28 rods West and 63 rods South of the NE Corner, Section 33, T126N, R71W
 County McPherson
7. Annual period or periods during which water is to be used ****g**** April thru October
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 40

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.
SW $\frac{1}{4}$ NW $\frac{1}{4}$	25		
NW $\frac{1}{4}$ NW $\frac{1}{4}$	15		
All in Sec. 33, T126N, R71W			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Two years. Additional time required to complete application of water to the proposed beneficial use Three years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Northwest Blade, Eureka
12. Principal Features of the Proposed Water Supply System.

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

Existing wells, pumps and motor

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

Mainline

C. Works proposed to apply water to beneficial use.

Center Pivot Sprinkler

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)

County of Hughes) ss.

I, Albert Kirschenmann 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 Albert KirschenmannSubscribed and sworn to before me this 13th day of September 19 77

Betty Westlund
 Notary Public (or other qualified officer)
 BETTY WESTLUND, Land/Water Clerk II

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4129-3
ALBERT KIRSCHENMANN EUREKA
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57437 With the following modifications.
 (State)

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

Date of first receipt of application SEPTEMBER 13, 1977
 Date of return to applicant for correction, amendments or changes required _____ 19____
 Date of receipt of corrected application _____ 19____
 Approved OCTOBER 7, 1977, Recorded in Book 19 Page 135
 WATER RIGHT PERMIT NO. 4129-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4129-3 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 SEPTEMBER 13, 1977
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before OCTOBER 7, 1978
3. The whole of said work is to be completed on or before OCTOBER 7, 1979
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is OCTOBER 7, 1982
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 .57 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 OCTOBER 7, 1982; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 3RD day of NOVEMBER 19 77

WATER RIGHTS COMMISSION

By: John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued July 14, 1980
 Water License Issued July 14, 1980

SEE PERMIT NO 2336-3

FOR WATER QUALITY DATA

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: NW 1/4 NE 1/4 Section 33 Township 126 Range 71

Well owner ALBERT KIRSEHENMANN EUREKA, S.D.
(Name) (Address)

Date well drilling completed 2-28-75 Purpose of well TEST HOLE
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	
<u>0-5</u>	<u>TOPSOIL</u>	<u>8</u>	ft.
<u>5-8</u>	<u>FINE SAND</u>		ft.
<u>8-25</u>	<u>COURSE SAND</u>		ft.
<u>25-71</u>	<u>" "</u>		ft.
	<u>STONES</u>		
<u>75-81</u>	<u>GRAY CLAY</u>		
<u>81-82</u>	<u>ROCKS</u>		
<u>82-85</u>	<u>CLAY</u>		

Attach sheet if more space is needed

Depth to top of water producing aquifer 8 ft.

Depth to static water level _____ ft.

Name of producing aquifer (if known) _____

Total depth of drill hole 85 ft.

Depth to bottom of casing 85 ft.

Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.

4" - 160 lbs., PLASTIC

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

45'

If a flowing well, flow of completed well _____ G.P.M.

DUANE MARTZ

Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump _____ HP

Type of pump _____ Capacity of installed pump _____ G.P.M.

Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

Name of Pump Installation Contractor

COPIED BY HAND OFF ORIGINAL.

Thomas A. Gardin

THOMAS A. GARDIN

WATER RESOURCES ENGINEER

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 30", Depth 70'
- (2) Casing, Type concrete, Diameter 30", Thickness 2"
(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 _____, Depth _____

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 SANDS + gravel

Depth to top of water bearing material 3'

Depth to bottom of water bearing material 75'

Thickness of water bearing material 6.7'

Depth to water (ground surface to water level) 6'

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

On same owner's property 160 rds. On property owned by others 320 rds.

G. Water Storage Dam.

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

Albert Kirschner
Signature of Applicant

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 30", Depth 70'
(2) Casing, Type concrete Diameter 30" Thickness 2"
(wood, concrete, steel, etc)
(3) Perforated Screen.
(4) Perforated Screen.

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

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

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 SANDS + GRAVELS

Depth to top of water bearing material 8'

Depth to bottom of water bearing material 75'

Thickness of water bearing material 6.7'

Depth to water (ground surface to water level) 6'

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

On same owner's property 160 rds. On property owned by others 320 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

Alfred Kirschner
Signature of Applicant

Publish first publication, on or before September 22, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 16, 1977

Notice is hereby given that Albert Kirschenmann whose post office address is Eureka, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 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, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use .57 cubic feet of water per second of time from ground water (existing well) through the Kirschenmann Addition, the point of diversion of which is to be located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 33, Twp. 126N Range 71W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW $\frac{1}{4}$, Section 33, T126N, R71W.

This Application No. 4129-3 will be considered by the Water Rights Commission at the Holiday Inn, Spearfish, SD upon the 6th day of October, 1977 at 10 AM. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

BURTON F. JONES
Water Rights Specialist

cc: **Albert Kirschenmanr**, Eureka, SD

NOTE: Final Proof of Publication must be received by the hearing date for the Commission to take action.

No. 4129-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County McPherson) ss.

I, Arlo C. Kehlhauff hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Sept. 22, 1977 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:

Sept. 22, 1977

Sept. 29, 1977

Arlo C. Kehlhauff
(Signature)

Publisher
(Title)

Oct. 6, 1977
(Date Signed)

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Notice is hereby given that
Albert Kirschenmann whose post
office address is Eureka, South
Dakota, has made an application
in accordance with the provisions
of SDCL 46-1-1 thru 46-1-8;
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, 46-6-14
and Commission Rules ARSD
52:01:01:01 thru 52:01:01:13, for
a permit to appropriate for
beneficial use .57 cubic feet of
water per second of time from
ground water (existing well)
through the Kirschenmann Ad-
dition, the point of diversion of
which is to be located in the
NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Twp.
126 N Range 71W. Said water to
be used for the purpose of
providing irrigation on portions
of the following described land:
W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 33, T126N,
R71W.

This Application No. 4129-3
will be considered by the Water
Rights Commission at the Hol-
iday Inn, Spearfish, S.D. upon
the 6th day of October, 1977 at
10 A.M. The Commission is
authorized to make a determin-
ation on this application at the
hearing. All interested persons
may appear and be heard. Any
person who may be affected by a
Commission decision who desires
to present evidence or cross-
examine witnesses according to
SDCL 1-26 may notify the Com-
mission in writing prior to the
hearing or orally at the hearing.
Water Rights Commission
Burton F. Jones
Water Rights Specialist

9-22-29-1977





Dear Sir

I am writing about permit no. 2336-3 Map no 17/6-3

The reason I am writing to you, we have all work just about completed for final insps. as I was looking over the permit to see that everything was right, I noticed that the S. W. 40 of the N. W. quarter was not listed on the permit, I cannot see how we could have made such a mistake, but we did, and it makes us feel terrible. we were wondering could this land be added to the permit without going through all the paper work & cost, we would appreciate it very much if this could be done as money this yr. is hard to come by. let us know, as we would like to have your man come out for final inspection as soon as possible

Yours Truly
Albert Hirschman - Eucha
S.D.

enclosed find Map

~~2336-3~~
W/L 4129-3

August 31, 1977

Mr. Albert Kirschenmann
Eureka, SD 57437

Dear Mr. Kirschenmann:

In reply to your letter dated August 22, 1977, I have not seen your letter nor map asking about adding 40 acres of land to your present irrigation permits.

You will find enclosed application forms to be completed by you. These should be completed by you for the additional forty acres and returned to us along with a certified map showing the lands to be added and the location of the source of water. The cost for making this application will be \$150.00.

If the water will be from the same source as one of your other permits, the water quality data will not be necessary.

Please advise this office if there are any additional questions.

Sincerely,

James Winterton
Water Rights Specialist

JW:plh

Enclosures

2337-3

2336-3



Dear Sir

Two weeks ago
wrote a letter to you,
if it could not go to of line
that was forgotten,
as yet I have not received
or answer, with my letter
lost, as you so busy.
I am now ready for
final disposition and
would like my licence.

Yours truly
Albert J. Erickson

P.S. Let me know what you
can do, and what need
to do.

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

Submitted by: Albert Kirschenmann
 Address: Sioux Falls, SD 57107

Date Rec'd: March 26, 1976
 Sample No. 76-262
 Identification #3 Well-85'
NE 1/4, Sec. 33, T 126N, R 71E

WATER ANALYSIS

Calcium (Ca)		ppm*		me/l**
Magnesium (Mg)		ppm		me/l
Sodium (Na)	12	ppm	0.51	me/l
Potassium (K)		ppm		me/l
Sulfate (SO ₄)		ppm		me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)		ppm		me/l
Bicarbonate (HCO ₃)	293	ppm	4.30	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)	216	ppm	13	g.p.g.***
Alkalinity (Methyl Orange)	240	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	334	micromhos per cm at 25° C.		
Sodium Adsorption Ratio				
Sodium	10.55	% of cations		
Residual sodium carbonate	0.48	me/l		
pH	8.08			

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS:

See attached sheet.

By: Shirley Mitten

Service Performed

Amount Due

Leach and garden analysis

\$4.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

RECEIPT

WATER RIGHTS COMMISSION

No 4 7577

State of South Dakota

PIERRE, July 8, 1980

RECEIVED OF Albert Kirschenmann, Eureka, SD 57437

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. 4129-3	50.00	
Fee for inspecting Beneficial Use, and issuing Water License No. 4129-3		
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 *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH

1 (bt)

Permit No 4129-3Water Division 3 MISSOURI RIVER Water DistrictREPORT 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 ALBERT KIRSCHENMANN of EUREKA holder SEPTEMBER 16 1976 *
of Permit No. 4129-3, bearing date of priority of SEPTEMBER 13 1977
authorizing the diversion of 2.57 * cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in MC PHERSON 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:

70' DEEP WELL WITH 16" ASBESTOS-CONCRETE CASING - 16" SS SCREEN
PEERLESS 10" PUMP - MODEL G106166 - 3 STAGE - 12" BONLS
POWERED BY 100HP US ELECTRIC MOTOR #SK6267KH34

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

900' OF 8" BURIED PLASTIC MAINLINE TO EAST PLOT
1/2 MILE OF 8" ALUMINUM MAINLINE TO WEST PLOT

C. Works used to apply water to beneficial use.

10 TOWER ZIMMATIC CENTER PLOT SYSTEM - MODEL #410
WITH NELSON #150 END GUN

The system is in the following condition: GOOD

The point of diversion is located 990' W & 432' S OF THE NE CORNER,
SECTION 33, T126N, R71W

The works are capable of diverting and conveying to the place of use 1.88 (850 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 33, T126N, R71W

<u>NW⁴</u>	<u>136 ACRES</u>
<u>NE⁴</u>	<u>136 ACRES</u>

comprising a total of 272 acres of land.

* THE APPLICABLE PORTIONS OF PERMIT NO 2336-3
HAVE BEEN INCORPORATED INTO THIS WATER LICENSE,
AND PERMIT NO 2336-3 HAS BEEN CANCELLED,

Date JULY 1, 1980

[Signature]
(Signature)

No. 4129-3



Department of Water & Natural Resources

Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

July 14, 1980

Albert Kirschmann
Eureka,
South Dakota 57437

Dear Mr. Kirschmann:

Enclosed herewith are, Water License No. 4129-3 and Certificate of Construction.

Water License No. 4129-3 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, WMD

JH:kw

enclosures

NOTE: The applicable portions of Permit No. 2336-J have been incorporated into this Water License, and Permit No. 2336-3 has been cancelled.

WNR-817-7/79
Transmittal of Water License

Dear Sir

I would like to have all of Sec.
33-196-71 inspected as soon as
possible, construction is completed and
has been used. Thank you. I send
you a notice of completion on the other side in
sec. 33 last fall. now you can inspect. ~~with both~~
permits
about K. C. Hermann

Form 10.

to. —

4121-3

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

Post Office

Cumka, S.D.

Date

Jan 21, 1978

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

Dear Sirs:

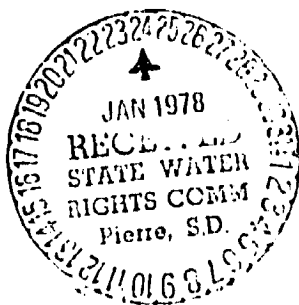
This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 4129-3

Water Right Permit No. 4129-3 states that the diversion system is to be constructed by Dec. 1, 1977 and that the water is to be put to beneficial use by April 1, 1978.

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

Albert Kirschman
(Signature)





Department of Natural Resource Development

WATER RIGHTS COMMISSION

JOE FOSS BUILDING, . Pierre, South Dakota 57501

Phone 605/224-3151

January 24, 1978

Albert Kirschenmann
Eureka, S.D. 57437

Dear Mr. Kirschenmann:

Your Notice of Completion of Works and/or Application of Water
to Beneficial Use under Water Right Permit No. 4129-3 dated
January 21, 1978 was received January 24, 1978.

We will endeavor to schedule an inspection of your project as
soon as possible. However, because of prior work commitments there
may be a considerable interval of time.

You have thus far complied with all of the requirements and the
intervening time between your notifying this office and the performance
of the inspection will not affect the completing of your Water Right.

Should you have future questions, please feel free to contact
this office.

Respectfully,

WATER RIGHTS COMMISSION

By:

~~XXXXXXXXXXXX~~ BETTY WESTLUND
Water Rights Specialist

Note: the other Notice of Completion you sent in last fall is also
on record.
BFJ/bw

Permit No. 4129-3

Water Diversion No. 3 Missouri River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Albert Kirschenmann

_____ the holder _____ of
Permit No. 4129-3, issued upon Application No. 4129-3, bearing date of priority of *September 16,
1975 & Sept. 13, 1977 authorizing the diversion of 2.57 * cu. ft. per second of the waters of _____
groundwater (one well) County of McPherson, State of South Dakota at _____
a point 890 feet west and 430 feet south of the NE corner, Section 33,
T125N, R71W
_____, 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 1.88 cu. ft. per second of water.

Date July 14, 1980

John Hatch
JOHN HATCH, Chief Engineer
Water Rights, WMD

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4129-3

(1) WHEREAS, On the 13th day of September A. D. 19 77
Albert Kirschenmann

made Water Right Application No. 4129-3 for a permit to use 2.57 * cubic feet per second of the waters
of groundwater (one well)

County of McPherson, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 7th day of October A. D. 19 77

Permit No. 4129-3 with a date of priority of September 16, 1975 and September 13, 1977 *
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 7th day of October A. D. 19 79 and for the
application to beneficial use of said water on or before the 7th day of October A. D. 19 82

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 1.88 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 lands all in Section 33, T126N, R71W

	<u>Acres</u>
<u>NW$\frac{1}{4}$</u>	<u>136</u>
<u>NE$\frac{1}{4}$</u>	<u>136</u>
<u>TOTAL ACRES</u>	<u>272</u>

* The applicable portions of Permit No. 2336-3 have been incorporated into
this Water License and Permit No. 2336-3 has been cancelled.

(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 Albert Kirschenmann

_____ of Eureka, South Dakota
the holder _____ and owner _____ of said permit No. 4129-3 a water right, dating from September 16, 1975 and
September 13, 1977 to use of 1.88 cubic feet per second of the waters
of groundwater (one well)
in the County of McPherson and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 990 feet west and 430 feet south of the
NE corner, Section 33, T126, R71W

and conducted to and upon portions of land in Section 33, T126N, R71 W more fully
described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 4129-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 14th day of July A.D.
Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMPLETION FOR THE
Irrigation System
Water Quality

Soils Capability
Approved: *[Signature]*

NAME: Albert Kirschmann

ADDRESS: Eureka, S. Dak

COUNTY: McPherson

LEGAL DESCRIPTION

1. WELL LOCATION: N¹/4 NW¹ Sec 33-124-71 #2-N¹/4 NE¹ Sec 33-124-71

2. AREA TO BE IRRIGATED: N¹/4 Sec 33-124-71

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Gun and Trough

4. CROPS TO BE IRRIGATED: Corn, Alfalfa, Soybeans

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 1.6%

6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Lehr, Bowdle and Wakarusa
Soils, Lehr, about 60% of acreage irrigated

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-132

8. SALINITY: EC = 1286 (high)

9. SODIUM: SAR = 4.79 (low-medium)

REPORT OF ANALYSIS

Water Quality Laboratory

Water Resources Research Institute

South Dakota State University

Brookings, South Dakota 57006

Submitted by

Address

1 Date Rec'd

Sample Size

Identification

70

WATER ANALYSIS

Calcium (Ca)

Magnesium (Mg)

Sodium (Na) = 23

Potassium (K)

Sulfate (SO_4)

Nitrate (as N)

Chloride (Cl)

Bicarbonate (HCO_3^-)

Carbonate (CO_3)

Carbonate (Iron (Fe)) =

Iron (Fe) Fluoride (F)

Fluoride (F)
Hardness (EDTA as CaCO_3)

Hardness (EDTA as CaCO₃)
Alkalinity (Methyl Orange)

Alkalinity (Methyl Orange)
 Alkalinity (Bromophenalein)

Alkalinity & Penolphtalein

Electrical Conductivity

Sodium Adsorption Ratio

Sodium

Residual sodium carbonate

pH

Others:

*ppm=parts per million

*me/l=milliequivalents per liter

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

COMMENTS:

Total unions

This water is considered satisfactory for all livestock.

By:

Service Performed

Amount Due

Determinations shown above.

8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-132

Amount Enclosed \$

Signed

August 21, 1975

Mr. Albert Kirschmann
Harcas, KU 57437

Dear Mr. Kirschmann:

We have received your WI 1 form and the water sample which you submitted back in March has been analyzed long since, of course. I believe you received the original copy of this water analysis report back in March. This is your copy to keep.

I am enclosing a copy of extension circular 654 with considerable information about the water quality and soil compatibility. On the outside back cover of this circular, you will find a red encircled cross indicating the approximate quality of this water for irrigation use. You will note that it's high in salinity and low to medium in sodium hazard. For these reasons, this water should be used in large quantities and rather infrequently. Thus, I would recommend that you irrigate with 3 to 4 inches application each time and do not use it more than 3 times a growing season at the most, preferably less. The frequent use of this water in small quantities will accelerate the accumulation of salt in the upper part of the soil and cause difficulties in crop germination and growth.

The soils which you have are moderately suitable and if you begin to see evidence of salt accumulation as indicated by grayish crusts on the surface, either cease irrigation or get in touch with your extension service for information on techniques to reduce the damage of salt which is accumulating.

A copy of this letter, the WI 1 forms and a copy of the water analysis are being sent to the State Conservation Commission.

Sincerely yours,

L. O. Fine
L. O. Fine
Water Quality Lab

LOF:ckh
cc: State Conservation Commission
D. Fuhl
Wayne Neely, County Extension Agent
Enclosures



SOUTH DAKOTA STATE UNIVERSITY
BROOKINGS, SOUTH DAKOTA 57006

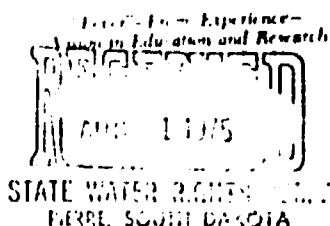
WATER BENCH BY RESEARCH INSTITUTE



SDSU
FEVER
'76

March 25, 1975

Mr. Albert Kirschennann
Eureka, S.D. 57437



Dear Mr. Kirschenmann:

I am returning herewith the soil test data sheets and my original letter to you concerning water sample 075-132.

Also enclosed is a copy of Extension Circular 654. On the outside back cover you will see an encircled red cross denoting the approximate quality of this water for irrigation use. You will note that it is in the high salinity range, but medium to low in sodium hazard. This means that the water has a considerable potential to increase the salt level of a soil on which it is used, particularly if that soil is moderate or moderately poor in internal drainage. Such soils are soils with clay subsoils or very fine silt and clay mixed. If the soil has good internal drainage, that is with sand or gravel at a depth of 4 to 7 feet, there should be no problem in the climatic zone such as yours with the occasional sustained rainfall which would cause leaching and removal of salts. However, there could be circumstances in which this water would cause a rapid buildup of salts. Such circumstances would include frequent light applications of water which did not wet the whole soil profile and which did not give any opportunity for leaching with the normally moderate amounts of precipitation, which we get. What I mean by this is that if you irrigate with 1 1/2 to 2 inches of water and then get another inch or inch and a half of rain shortly thereafter, that would not be sufficient to leach salts on down beyond the root zone. However, a heavy application of water such as 4 or 5 inches in a previously moist profile, then followed by the good fortune of a couple of inches of rain would result in a considerable leaching of salts down beyond the root zone.

Thus it is virtually impossible to state with any degree of certainty how much water could be used or how often it could be used to irrigate your land. You state that your soil has 2 to 4 feet of topsoil over sand. This means that your drainage conditions are good and if you take the trouble to irrigate very thoroughly in the late fall of the year or sometime in the early spring, such as April, we will quite often get sufficient rainfall in the fall, or sufficient snow, which penetrates and leaches, or in the spring, sufficient rain in May to cause effective leaching. Therefore, I would say that the chances of success and sustained production on this land are pretty good, and if you use good judgment in your water application techniques, you may never have any trouble with accumulation of salt.

Cont. . . /2.

A land grant university serving South Dakotans through Teaching—Research—Extension

Mr. Albert Kirschenmann
March 25, 1975
Page 2

There is a very slight sodium hazard which could mean possibly some problems with dispersion of the soil and lack of good structure, but you can take care of this by rotation with grass and legumes in the rotation occasionally.

If you wish to proceed with an application for a water use permit, simply get a WI-1 form from the county agent and complete it in all respects and return it to me. I have copies of your water analysis so you need not return this.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOP:MAN

Enclosures

2337-3
4129-3

WATER RIGHTS DIVISION (605) 773-3352

June 21, 1982

Jacob Kirschenmann
Route #2, Box 56
Eureka, South Dakota 57437

Dear Mr. Kirschenmann:

This will acknowledge receipt of your letter concerning transfer of Water Right No. 4129-3.

Enclosed please find a partially completed transfer form for Water Right No. 4129-3. Please check over, date, sign and have notarized before returning it to this office. Since Permit No. 2337-3 was transferred in error, the fee obtained for that transfer will be applied to the transfer of No. 4129-3. No additional fee will be required. Permit No. 2337-3 will be changed back to Albert Kirchenmann.

Permit No. 2337-3 still lacks water quality approval from the State Conservation Commission, and needs to be brought into compliance with the laws. Since Albert Kirschenmann is the owner of the lands covered under this permit, he will be notified of this requirement.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Enc.

NO. 4129-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: June 21, 1982

This is to notify you that the title to the lands described as follows:

40 acres W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 33, T126N, R71W

formerly owned by Albert Kirschenmann

has been transferred to Jacob and Jerome Kirschenmann, Eureka, SD

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4129-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

~~A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.~~

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

I, Jacob Kirschenman and Jerome Kirschenman being first duly sworn on my oath despose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Jacob Kirschenman
Jerome Kirschenman
(Signed)

Subscribed and sworn to before me this 6th Day of August, 1982.

[Signature]
(Notary Public)



4129-3

WATER RIGHTS DIVISION (605) 773-3352

August 9, 1982

Jacob & Jerome Kirschenman
Eureka, South Dakota 575437

Gentlemen:

Transfer of Water Right No. 4129-3 has now been completed. Our records
now show you as the owner of this Water Right

Sincerely,

Genny Young
Water Rights Specialist

GY:ms

4129-3

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

January 29, 1988

JACOB/JEROME KIRCHENMANN
RR 2 BOX 65
EUREKA, SD 57437

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

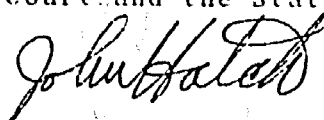
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 2337-3, 4129-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

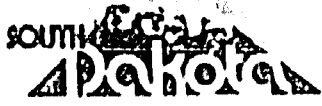
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2337-3, 4129-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

February 9, 1988

2337-3
4129-3

Jacob & Jerome Kirschenmann
RR 2, Box 65
Eureka SD 57473

Dear Sirs:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 2337-3 & 4129-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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

**Department of
Water & Natural Resources**

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

February 17, 1989

Jacob/Jerome Kirschenmann
RR 2, Box 65
Eureka, SD 57437

Dear Mr. Kirschenmann:

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,

John Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division

Send to Jacob

1125 Chicago Ave

RR #2 Bay 465

Greene SD 57437

4/29-3

Dear Mr. [unclear]

Thank you for your letter of the 24th inst.

On 4/29/37 you indicated in regard to owner ship of land situated in Water Right No. 12-1-1, you indicated on last year's irrigation questionnaire you took over the contract for deep bed washed lands now deleted from the water right. In order to change the name on the water right, you will need to file a "Notice of Transfer."



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 5, 1992

No. 4129-3

Jacob Kirschenmann
RR 2, Box 65
Eureka, SD 57437

Dear Mr. Kirschenmann:

I am contacting you in regard to ownership of land described in Water Right No. 4129-3. You indicated on last year's irrigation questionnaire you took over the contract for deed and wanted Jerome's name deleted from the water right. In order to change the name(s) on the water right, you will need to file a "Notice of Transfer."

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 4129-3. The water right is currently listed in the name of Jacob and Jerome Kirschenmann.

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.

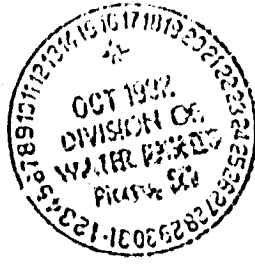
South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

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

enclosure



4129-3

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

October 5, 1992

No. 4129-3

Jacob Kirschenmann
RR 2, Box 65
Eureka, SD 57437

Dear Mr. Kirschenmann:

I am contacting you in regard to ownership of land described in Water Right No. 4129-3. You indicated on last year's irrigation questionnaire you took over the contract for deed and wanted Jerome's name deleted from the water right. In order to change the name(s) on the water right, you will need to file a "Notice of Transfer."

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 4129-3. The water right is currently listed in the name of Jacob and Jerome Kirschenmann.

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 Division
(605) 773-3352

enclosure

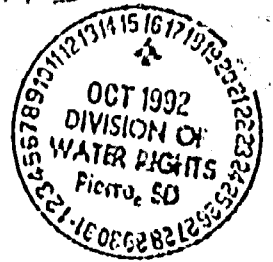
4129-3

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4129-3

Date: OCT - 11 - 92



I/We request that Water Right No. 4129-3

formerly owned by: Jacob & Jerome Kirschenmann

be transferred to: (name & address) Jacob & Jerome Kirschenmann
RR2 Box 65, Fort Pierre, SD 57437-9446 (Telephone No.) 283-2682

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

N 1/2 Section 33, T126N, R71W

I/We understand that the validity of Water Right No. 4129-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of McPherson)

I/We Jacob Kirschenmann being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Jacob Kirschenmann
(Signed)

Subscribed and sworn to before me this 14 day of October, 19 92.

Ted M. Krein
(Notary Public)

TED M. KREIN, Notary Public
My Commission Expires Oct 14, 1996

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

RECEIPT

413466

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, October 10, 1975

RECEIVED OF Jacob Kirschenman, RR 2 Box 65, Tareka Co. SD 57457-0436
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. 4129-5</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *John Hatch*
Chief Engineer

4129-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 4, 1992

No. 4129-3

Jacob and Janice Kirschenman
RR 2, Box 65
Eureka, SD 57437-9446

Dear Mr. and Ms. Kirschenman:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 4129-3.

Our records now show you as the owner of Water Right No. 4129-3.

Sincerely,

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

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

enclosure



4129-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: JACOB & JANICE KIRSCHENMAN, 33780 117TH ST, EUREKA, SD 57437 6806

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 4129-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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 2, 2005, 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. 4129-3 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 is received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

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.



4129-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1589

Your item was delivered at 9:55 am on January 21, 2005 in EUREKA, SD 57437. The item was signed for by S J KHRSCENMANN.

[Shipment Details >](#)

Notification Options

► Track & Confirm by email

[What is this?](#)

[Go >](#)

► Request Proof of Delivery

[What is this?](#)

[Go >](#)

POSTAL INSPECTORS
Preserving the Trust

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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 1589

JACOB & JANICE KIRSCHENMAN
33780 117TH ST
EUREKA SD 57437 6806

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail®
☐ Package Services

(See Reverse)

PS Form 153, July 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2005

4129-3

Jacob & Janice Kirschenman
33780 117th St
Eureka SD 57437-6806

Dear Mr. & Mrs. Kirschenman:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 4129-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

4129-3

April 23, 2008

South Dakota Water Rights Commission
ATTention Eric Gronlund.

RECEIVED

APR 28 2008

WATER RIGHTS
PROGRAM

I am writing To let you know that our well on permit # 4129-3 needs To be replaced due To age of well and some work that was done To reBurbish The well 7 yrs. ago, which was not done properly.

I understand we need To request permission To move To a new spot and drill a new well. The old well was 990 feet west and 430 feet south of The NE corner of Sec 33-126-71. The new well will be 30 feet north so it will be 990 feet west and 400 feet south of the NE corner of Sec. 33-126-71.

We will be closing & capping The old well properly according To regulations.

Your prompt response would be appreciated greatly as the growing season is approaching rapidly. Thank you for your Time, if you have any questions feel free To call 605-283-2682 or cell 605-228-0901

Sincerely
Jacob Kirschenman

Jacob Kirschenman
33836 117th ST
Eureka, S.D 57437

Approval of a Change of Diversion Point

NAME: Jacob Kirschenmann

ADDRESS: 33836 117th Street, Eureka SD 57437

DATE: April 28, 2008 **COUNTY:** McPherson **TELEPHONE:**

BACKGROUND:

Water Right No. 4129-3 appropriates 1.88 cfs from one well located in the NE ¼ NE ¼ Section 33 T126N, to irrigate 272 acres in the N ½ Section 33, all in T126N, R71W. The water right has a priority date of September 16, 1975 and September 13, 1977.

Mr. Kirschenmann has filed a request for a replacement well due to the failure of the existing well. The request states the replacement will be placed 30 feet north of the old well. The old well will be abandoned and plugged.

A review of the irrigation questionnaire submitted for Right No. 4129-3 was conducted. Irrigation has historically been conducted on this property. It should be noted that a portion of the W ½ NW ¼ of Section 33 has not been being irrigated. Based on the 2006 FSA aerial a small lake is present that restricts the pivot from making full rotation.

AUTHORITY:

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

- **Developed water source same as permitted source and no additional water appropriated**

The water source authorized by Water Right No. 4129-3 is the Hillview Aquifer at a depth of approximately 70 feet. There is no change in the proposed depth or water source.

No additional appropriation of water is requested. The water right appropriates 1.88 cfs. No additional water will be appropriated by the change in the well location.

- **Review of Existing Diversions**

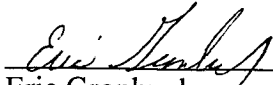
A detailed review of existing diversions was not conducted. This is a replacement well located in very close proximity (30 feet) to the old well

CONCLUSION

- The change in the well location does not appropriate additional water.
- The well will still be completed into the Hillsview Aquifer .
- Interference is not expected to be a concern.
- Existing domestic wells should not be adversely impacted by authorizing this additional well.

RECOMMENDED ACTION

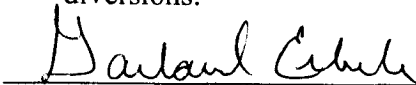
Based on the above criteria, it is recommended that the change of diversion point be authorized under Water Permit No. 6921-3.



Eric Gronlund
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change of diversion point does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 29, 2008

Jacob Kirschenmann
33836 117th Street
Eureka SD 57437

Dear Mr. Kirschenmann:

I am writing in regard to the request filed to authorize changing the location of the well authorized by Water Right No. 4129-3. This water right appropriates 1.88 cfs from one well located in the NE ¼ NE ¼ Section 33 T126N, to irrigate 272 acres in the N ½ Section 33, all in T126N, R71W. The water right has a priority date of September 16, 1975 and September 13, 1977.

The replacement well is to be located approximately 30 feet north of the present well site. Upon review of the request and pursuant to SDCL 46-5-13.1, the change in the well location is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. The existing well that has failed shall be plugged in accordance with the Well Construction Standards.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Garland Erbele'.

Garland Erbele, Chief Engineer
Water Rights Program

SOUTH DAKOTA WATER WELL COMPLETION REPORT

4129-3
07-92Location NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 33 Twp 126 Rg 41
County McPherson North

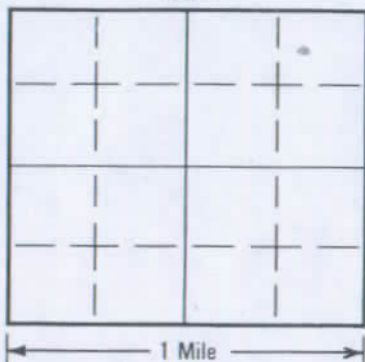
Please mark well location with an "X"

W

E

Well Completion Date

4-17-08



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2000 ft. from feed lot (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
SDR21 LB/FT	12 IN	11 FT	51 FT	17 1/2 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	7 bags	1031 lb./gal	0 ft	30 ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Bentonite line from 30'
to top of holeSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 40 IN Length 30 FEETMaterial stainless steelSlot Size 10/40 Set From 50 Feet to 70 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: chlorine☐ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Jacob Kirschenman

Business Name: _____

Address: 33836 117 St
Eureka, SD

WELL LOG:

DEPTH

FORMATION	DEPTH	
	FROM	TO
Top soil	0	1
yellow clay	1	3
oxidized sand & gravel		20
Sand & Gravel	20	70
Blue clay	70	

STATIC WATER LEVEL 14.3 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: Submersible pump☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

53 ft. After 1 Hrs. pumped 700 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

DEC 17 2009

WATER RIGHTS
PROGRAMThis well was drilled under license # 285

And this report is true and accurate.

Drilling firm Manikowski Well Drilling, Inc.Signature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder: _____

Date: _____



4129-3
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 25, 2019

NOTICE

TO: J & J KIRSCHENMAN DAIRY INC, JASON KIRSCHENMAN, 33780 117TH ST, EUREKA,
SD 57437 6806

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire has not been submitted for Permit No(s) 4129-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

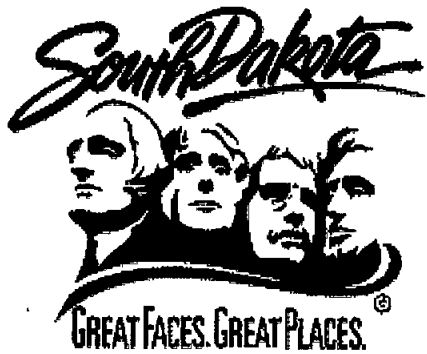
The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 4129-3 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 before the **March 6, 2019** hearing 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.



4129-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 2019

4129-3

Jason Kirschenman
J & J Kirschenman Dairy Inc
33780 117th St
Eureka SD 57437-6806

Dear Mr. Kirschenman:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 4129-3. 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,

A handwritten signature in black ink that reads 'Genny McMath'.

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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

JUL 29 2021

Ck# 3011

Mail to: PMB 2020

DENR - Water Rights Program

523 E Capitol Ave

Pierre, SD 57501-3182

RECEIVED

JUL 29 2021

WATER RIGHTS
PROGRAMWater Right/Permit No. 4129-3Date: July 26 2021I/We request that Water Right/Permit No. 4129-3 formerly owned by:Jacob & Janice Kirschenman

be transferred to:

New Owner Name:

Jason & Jennifer Kirschenman

Address:

33780 117th St

City, State, Zip

Eureka SD 57437Telephone No. 605 252 0460Home 605 283 2776

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

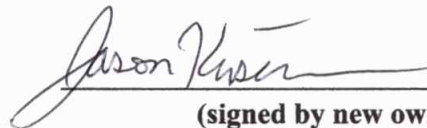
well NE 1/4 NE 1/4 section 33 - 126 - 71
Acad Irrigated 272 Acres North 1/2 section 33-126-71
McPherson County

☒ I understand that the validity of Water Right/Permit No. 4129-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Jason Kirschenman, the new owner, certify that the above information is true and correct.



(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

4129-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date July 29, 2021RECEIVED OF Jason Kirschenman 33780 117th Street 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. _____	\$ _____
Fee for Filing Transfer Form <u>4129-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Grosholz
 Chief Engineer
me



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 29, 2021

4129-3

Jason & Jennifer Kirschenman
33780 117th St
Eureka SD 57437

Dear Mr. & Mrs. Kirschenman:

I am writing to acknowledge receipt of the transfer form, filing fee and your application for an additional well.

The ownership change has been completed. The water right formerly held by Jacob & Janice Kirschenman is now listed in your names. Enclosed is your receipt for the \$50 fee you paid.

We will begin processing the application for the additional well. If the staff engineer has any questions while reviewing the application, they will be in touch.

If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

encl

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. _____ (office use only) Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED

JUL 29 2021

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 4129-3
(Use predates Mar 2, 1955)

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

Adding well to supplement existing well not to pump more than permit

1. Name to Appear on Irrigation Permit Jason & Jennifer Kirschenmeyer

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 33780 117th St Eureka SD 57437
(Address) (City) (State) (Zip Code)

Phone 605-283-2682 Mobile 605-228-0901 Email J-S Kirschenmeyer@gmail.com

2. Amount of water claimed 1.88 *CFS or **GPM ***AF Total Acreage 272
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply well

4. Location of point of diversion NE 1/4 NE 1/4 Sec 33 T126-71 To irrigate
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
272 Acres NE 1/4 Sec 33-126-71 County McPherson

5. County or counties where water will be used McPherson6. Annual period during which water is to be used May - Sept.

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

Land Description	Acres	Land Description	Acres

8. Give a description of the project. (Attach sheet if more space is needed)

Add well To supplement existing well will not in crease pumping rate

I, Jason & Jennifer Kirschenmeyer Owner, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Supplemental Information

(type or print)

*Info In your files
could not print***1. Well Information** (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

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

For either Existing or Proposed Wells:

c) Well Depth (required) ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest domestic well on applicant's property ____ Property owned by others ____

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) ____ Year Constructed ____

c) Connected to the City of ____ Sanitary System

3. Dugout Information

a) Surface Dimensions ____ Depth ____

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

4. Water Storage Dams

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

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

b) Freeboard ____

c) Crest Width ____

Crest Length ____

d) Height ____

e) Primary Outlet Capacity ____

If pipe, diameter ____

f) Secondary Spillway Capacity ____

Spillway Width ____

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

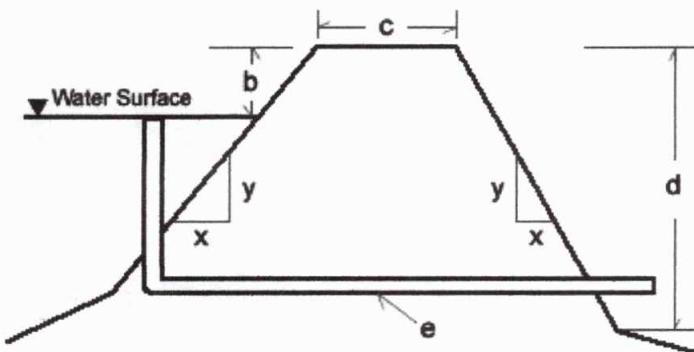
Upstream ____

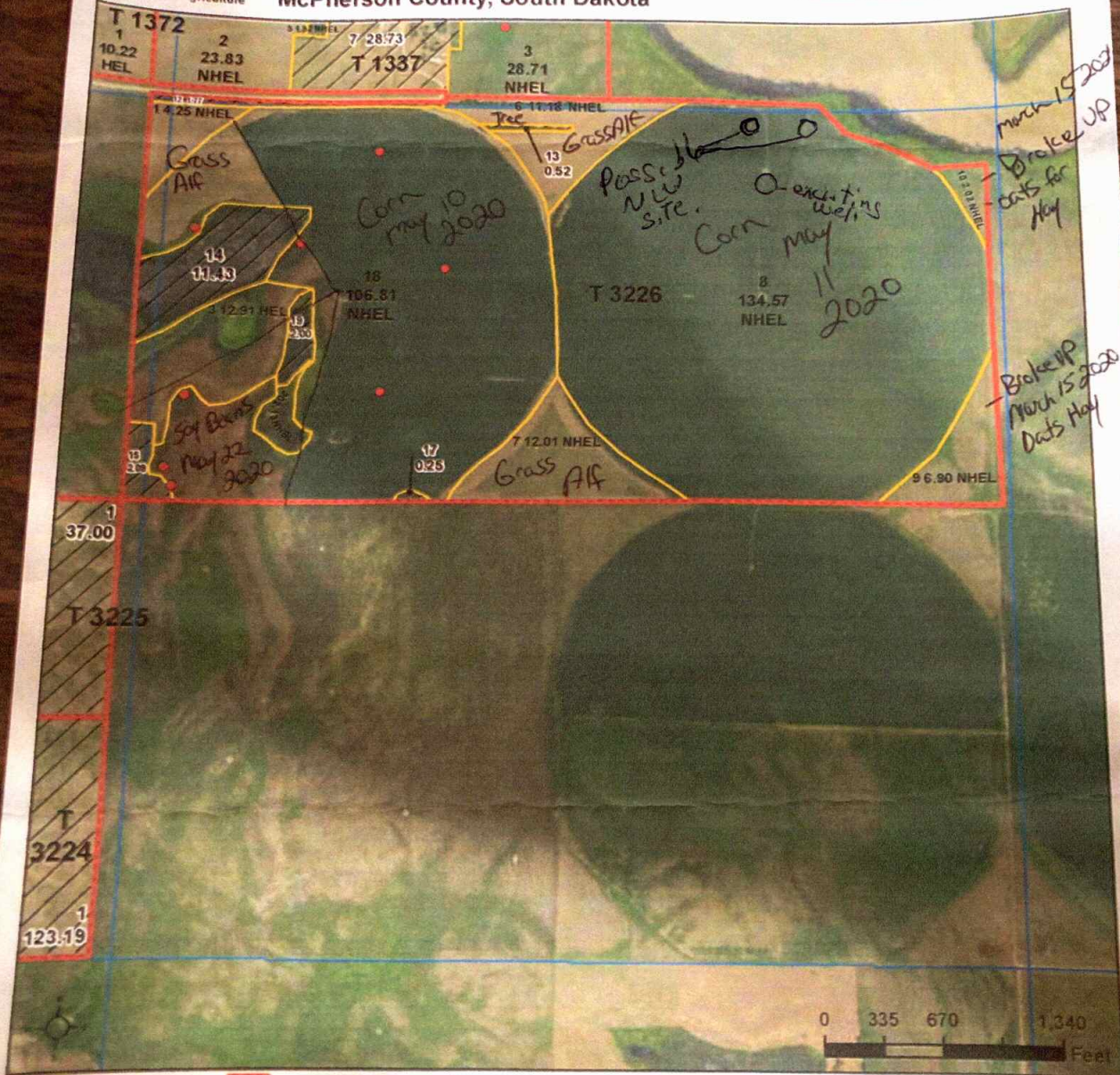
Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres





Common Land Unit

Non-Cropland
Cropland

Wetland Determination Identifiers

Restricted Use
Limited Restrictions
Exempt from Conservation
Compliance Provisions

Tract Boundary
PLSS

Wheat HRS Gr
Sunflowers Oil Gr
Barley Spring Gr
Corn Yel Gr
Soybeans Corn Gr
Oats Spring GR
All crops as listed above
unless otherwise noted on map and
all are NI unless noted on map

2021 Program Year

Map Created December 10, 2020

Farm 4797

33-126N-71W



4129-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 9, 2021

Jason and Jennifer. Kirschenman
33780 117th St.
Eureka, SD 57437

Dear Jason and Jennifer Kirschenman

I am writing in regard to your request for an additional well to what is currently authorized by Water Right No. 4129-3. Water Right No. 4129-3 authorizes a maximum instantaneous diversion rate of 1.88 cfs from one well (70 feet deep) completed into the Hillsview aquifer located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33-T126N-R71W. It should be noted that the location of the existing well is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33. An additional well to be completed into the Hillsview aquifer located north of the exiting well has been requested for a total of two wells authorized to appropriate water under Water Right 4129-3.

Upon review of the request and pursuant to SDCL 46-5-13 1, the additional well to be completed into the Hillsview aquifer and located in either the NE $\frac{1}{4}$ NE $\frac{1}{4}$ or NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33; all in T126N-R71W, is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate of 1.88 cfs from the two wells is authorized. If the total diversion rate increases, a new water right permit will need to be obtained.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program

Approval of Additional Diversion Point

NAME: Jason and Jennifer Kirschenman

ADDRESS: 33780 117th St., Eureka, SD 57437

DATE: August 9, 2021

COUNTY: McPherson

TELEPHONE: 605-283-2682

BACKGROUND:

Water Right No. 4129-3 appropriates 1.88 cubic feet of water per second (cfs) from one well completed into the Hillsvie aquifer located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33 to irrigate 272 acres located in the N $\frac{1}{2}$ of Section 33; all in T126N-R71W. After investigation, it should be noted that the location of the existing well is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33.

Jason and Jennifer Kirschenman filed a request for an additional well to be completed into the Hillsvie aquifer and located in either the NE $\frac{1}{4}$ NE $\frac{1}{4}$ or NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33; all in T126N-R71W to supplement the existing well. Mr. and Mrs. Kirschenman indicated the combined diversion rate for the one existing well and the additional well will not exceed 1.88 cfs.

AUTHORITY:

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

- **Developed water source same as permitted source and no additional water appropriated**

The water source authorized by Water Right No. 4129-3 remains the Hillsvie aquifer. The applicants indicated the combined diversion rate for the one existing well and the additional well will not exceed 1.88 cfs during operation. Therefore, no additional diversion rate is requested.

- **If irrigation, no new land is irrigated**

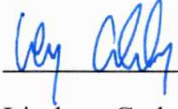
Water Right No. 4129-3 authorized 272 acres of irrigation and the applicants indicated in the request that no additional acres would be irrigated. Therefore, no additional water will be appropriated.

- **Review of existing diversions**

The applicants indicated that the additional well is one of two proposed locations, one proposed location is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33 and the other proposed location is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33; all in T126N-R71W. The additional well proposed to be located in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33 is 0.58 miles northwest from the nearest diversion point (not held by the applicant), which is held by Aman Brothers. The well proposed to be located in NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33 is 0.65 miles northwest from the nearest diversion point (not held by the applicant), which is held by Aman Brothers. This also serves to correct the location of the original well which is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33. Given the distance and no increase in permitted diversion rate, drawdown from pumping should not increase the potential for unlawful impairment of neighboring wells.

RECOMENNDED ACTION:

Based on the above criteria, it is recommended that the diversion point be licensed as developed.



Lindsey Cederberg
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and additional diversion point does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program