

WATER PERMIT NO. 4134a-3

Name of Applicant: Bixler Farms

Address: 39477 184th St, Hitchcock SD 57348 Phone: 605 354-3177

Amount of Water Claimed: no add'l Total Acres: 128 acres

Source of Water Supply: groundwater (1 well)

Water to be used for: irrigation County: Spink

Type of Waste Disposal System:

Location: 8 miles east of Tulare

PRIORITY Date Received: 1-13-14 Application/License Fee: \$ 300

Corrected Application Received: 1-21-14 Period of Annual Use: Mar 1 – Nov 30

Remarks: Transfer acreage and diversion rate authority

Diversion Point: SW 1/4 SE 1/4 Sec 25-T115N-
R63W

Land to be Irrigated: E 1/2 SW 1/4, SE 1/4 Sec 25-
T115N-R63W

Depth of Well: 60 feet deep

Well Driller:

Remarks:

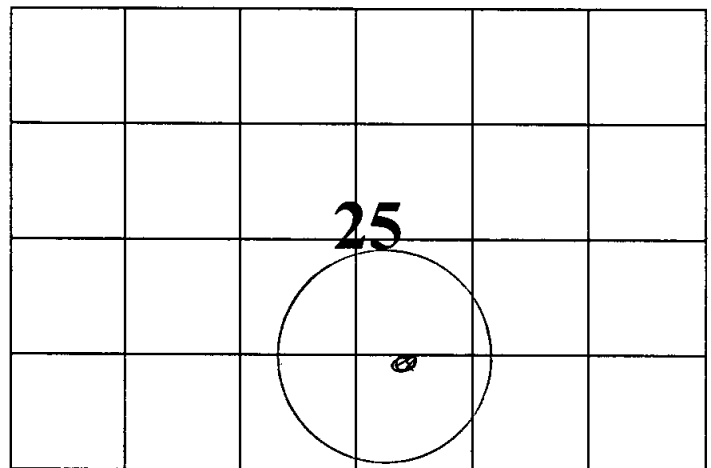
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-22-14

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



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

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 4134A-3 (office use only)
Hydrologic Unit 10160006
Basin James River 605-472-0822
Newspaper Redfield Press Box 440 57469
Plainsman Box 1278 Huron 57350 605-352-6401

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Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 4134-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
transfer acres pursuant to SDCL 46-5-34

1. Name to Appear on Irrigation Permit Bixler Farms

(check one) ☐ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 39477 184th Street Hitchcock SD 57348
(Address) (City) (State) (Zip Code)

Home Phone 266-2763 Cell 354-3177 Email bixlerfarms@hotmail.com

2. Amount of water claimed no addl *CFS or **GPM ***AF Total Acreage 128
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Tulare:Western Spink Hitchcock Aquifer

4. Location of point of diversion SW 1/4 SE 1/4 Section 25, T115N, R63W

(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Spink

5. County or counties where water will be used Spink

6. Annual period during which water is to be used March 1 - November 30

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
NE 1/4 SW 1/4 Section 25, T115N, R63W	19	NE 1/4 SE 1/4 Section 25, T115N, R63W	8
SE 1/4 SW 1/4 Section 25, T115N, R63W	19	SE 1/4 SE 1/4 Section 25, T115N, R63W	8
NW 1/4 SE 1/4 Section 25, T115N, R63W	37		
SW 1/4 SE 1/4 Section 25, T115N, R63W	37		

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

Transfer acreage. The land currently authorized by Water Right No. 4134-3 has been enrolled in CRP as the wet condition over the past decade portion of the ground have become inundated with water due to its pot hole nature. Mr. Boomsma approached us to allow Bixler Farms to transfer the water right to their land to put the water right to beneficial use.

I, Reed Bixler for Bixler Farms, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 4134A-3 FOR IRRIGATION

Date of first receipt of application January 13, 2014.

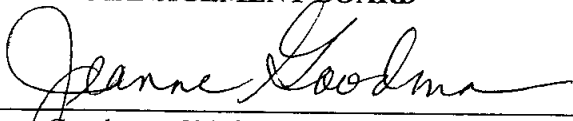
The Water Management Board approved Water Permit No. 4134A-3 on May 7, 2014 for Bixler Farms, c/o Reed Bixler, 39477 184th St, Hitchcock SD 57348 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4134A-3 amends Water Right No. 4134-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 4134-3 held by Richard Boomsma appropriates 1.33 cubic feet of water per second (cfs) from one well located in the SW 1/4 SE 1/4 Section 10 for irrigation of 128 acres located in the SE 1/4 Section 10; all in T113N-R64W. This permit authorizes moving the system approximately 9 miles north and 8 miles east with the well to be located in the SW 1/4 SE 1/4 Section 25 to irrigate 128 acres located in the E 1/2 SW 1/4, SE 1/4 Section 25; all in T115N-R63W. The water source for this irrigation system is the Tulare:Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated are 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: May 1 - November 30.
3. The date from which applicant may claim right is August 30, 1977.
4. One-fifth of the construction is to be completed on or before November 7, 2016.
5. All construction is to be completed on or before May 7, 2019.
6. Water is to be put to beneficial use on or before May 7, 2023.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

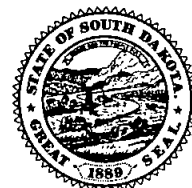
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 4134A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 30 2014

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 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 _____

c) Well Depth 60 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest existing domestic well:

On applicant's property _____ On property owned by others 1/2 mile north

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)

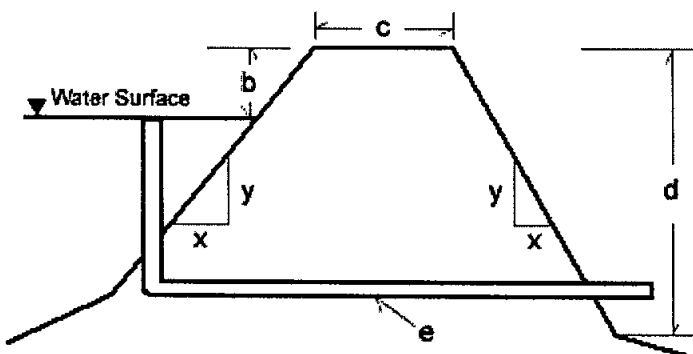
Upstream _____

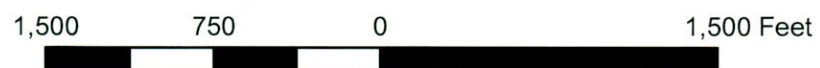
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





Eric Gronlund



United States Department of Agriculture
Farm Service Agency

PLSS: 25_115N_63W
Farm: 8729

Spink County, SD

1:8,698

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This map is a reproduction of the original map and is not a substitute for the original map. The original map is the only authoritative source for the information contained herein. The map is a reproduction of the original map and is not a substitute for the original map. The original map is the only authoritative source for the information contained herein.

June 11, 2012
Legend

- Tract Boundaries
- Section-Township-Range
- Easements
- Common Land Units
- Rangeland

Wetland Determination Identifiers

- Restricted Use



2010 Ortho-Photography - Not to Scale

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/13, 20 14

RECEIVED OF Bixler Farms 39477 184th St Hitchcock SD 57348

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

Fee for Application for Permit No. <u>4134A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4134A-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300 00

No. 06627

By James Goodman
Chief Engineer

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To: South Dakota Department of Environment and Natural Resources

Richard
I, Rick Boomsma, am agreeing to transfer this water right (4134-3) to Bixler Farms.

Because of unusually wet weather in the early 90's, I enrolled this land in CRP. A 10 year contract came out of CRP in 2007 or 2008. The wet conditions have not subsided, thus I have not been able to continue with irrigating this land. There are potholes which have grown up to cattails, making it difficult for a center pivot to make a circle. For this reason, I have decided to enroll this in CRP again, beginning in 2014. Again I would like to transfer this water right to Bixler Farms.

Thanks, Rick Boomsma. Jan. 14, 2014.

Rick Boomsma

Gronlund, Eric

From: Layton, Pamela - FSA, Huron, SD <pamela.layton@sd.usda.gov>
Sent: Tuesday, March 11, 2014 2:57 PM
To: Gronlund, Eric
Cc: Wicks, Brenda - FSA, Huron, SD
Subject: RE: request for CRP history for quarter section owned by Richard Boomsma

Thank you for your written request.

The SE ¼ of 10-113-64 (151.7 acres) are under a CRP contract that was effective 11-1-2013.
It was in a prior CRP contract 1997-2006.

If you need additional information, please give me a call at 605-352-2998, Ext 105.

Pam Layton
Program Technician
Beadle County FSA

From: Gronlund, Eric [<mailto:Eric.Gronlund@state.sd.us>]
Sent: Tuesday, March 11, 2014 10:24 AM
To: Layton, Pamela - FSA, Huron, SD
Subject: request for CRP history for quarter section owned by Richard Boomsma

Ms. Layton:

In my capacity with the Water Rights Program of the SD Dept. of Environment and Natural Resources, I am inquiring regarding the periods that the SE ¼ Section 10, T113N, R64W owned by Richard Boomsma was enrolled in the Conservation Reserve Program. Thank you.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

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**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



April 29, 2014

NOTICE

TO: Reed Bixler
39477 184th St
Hitchcock SD 57348

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Hearing on Water Permit Application No. 4134A-3 before the Water Management Board

Water Permit Application No. 4134A-3 requests to amend Water Right No. 4134-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 4134-3 held by Richard Boomsma appropriates 1.33 cubic feet of water per second (cfs) from one well located in the SW 1/4 SE 1/4 Section 10 for irrigation of 128 acres located in the SE 1/4 Section 10; all in T113N-R64W. This application proposes to move the system approximately 9 miles north and 8 miles east with the well to be located in the SW 1/4 SE 1/4 Section 25 to irrigate 128 acres located in the E 1/2 SW 1/4, SE 1/4 Section 25; all in T115N-R63W. The water source for this irrigation system is the Tulare:Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated are requested by this application. The application has been public noticed for hearing before the Water Management Board at 10:00 AM on May 7, 2014.

The Water Management Board will now conduct its May 7, 2014, meeting by telephone conference call. The agenda for the May 7th meeting is attached.

You may participate in the hearing by attending in person at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. Or you can call in to the meeting at 10:00 AM, May 7th by following the instructions below.

Dial to Access: 605-773-2307

Conference Password: 4752#

If you have trouble getting on the call please contact the conference operator at 605-773-3011.

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

c: Ann Mines, Assistant Attorney General

enclosure

CERTIFICATION

I hereby certify that on April 29, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 29, 2014, regarding the hearing on Water Right Permit Application No. 4134A-3 and scheduling a new hearing date, as addressed below:

Reed Bixler
39477 184th St
Hitchcock SD 57348

Sent Notice Inter-Office mail to:

Ann Mines, Assistant Attorney General, 1302 E. Hwy 14, Suite 1, Pierre SD 57501-8501



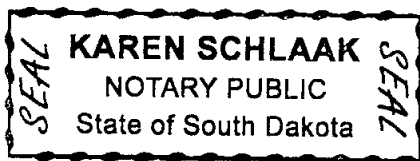
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 29th day of April, 2014.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



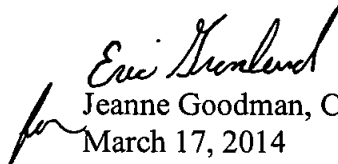
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4134A-3, Bixler Farms**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 4134A-3, Bixler Farms, c/o Reed Bixler, 39477 184th Street, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 4134A-3 because the proposed diversion can be developed without unlawful impairment of existing rights with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 4134A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
March 17, 2014

REPORT TO THE CHIEF ENGINEER
ON
APPLICATION NO. 4134A-3, Bixler Farms
MARCH 7, 2014

Application No. 4134A-3 proposes to amend Water Right No. 4134-3 by transferring the acreage authorized for irrigation and point of diversion to new locations. Water Right No. 4134-3, held by Richard Boomsma authorizes the diversion of water from one well located in the SW¼ SE¼ Section 10, T113N-R64W at a maximum rate of 1.33 cubic feet of water per second (cfs). The water right authorizes the irrigation of 128 acres located in the SE¼ Section 10, T113N-R64W. Application No. 4134A-3 proposes to authorize the relocation of the system approximately nine miles north and eight miles east. The diversion point proposed by Application No. 4134A-3 is to be a well located in the SW¼ SE¼ Section 25, T115N-R63W. Application No. 4134A-3 proposes a permit authorizing the irrigation of 128 acres located in the E½ SW¼, SE¼ Section 25, T115N-R63W. The water source for this irrigation system is the Tulare: Western Spink /Hitchcock aquifer and no increase in the diversion rate or number of acres irrigated are requested by this application.

South Dakota Codified Law (SDCL) 46-5-34 allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Richard Boomsma indicates because of unusually wet weather in the early 1990's, the land was enrolled in the Conservation Reserve Program which expired in 2007 or 2008. The wet conditions have not subsided, and it is impracticable to irrigate the acreage located in the SE¼ Section 10-T113N-R64W. Richard Boomsma submitted a letter agreeing to this transfer of Water Right No. 4134-3.

**AQUIFER: WESTERN SPINK/HITCHCOCK MANAGEMENT UNIT OF THE
TULARE AQUIFER**

Based on the best information available regarding recharge to the Tulare Western Spink/Hitchcock aquifer as it compares to withdrawals from the aquifer, along with the projected water use associated with acreage currently authorized for irrigation, the Water Management Board found the Tulare Western Spink/Hitchcock aquifer is fully appropriated [In the matter of Water Permit Application No. s. 7725-3, et al., Findings of Fact, Conclusions of law and Final Decision issued December 5, 2013.

WATER RIGHT NO. 4134-3

Water Permit Application No. 4134-3 was filed August 30, 1977. The Water Rights Commission deferred action on the application at its October 6-7, 1977 meeting, pending investigation by the Commission Staff. On January 25, 1978, the Commission continued the deferral status of the application pending further investigation by the Commission Staff. The Commission considered the application on January 31, 1979 and the Water Permit was signed by the Chief Engineer on February 20, 1979. A Notice of Completion of Works and/or Application of Water to Beneficial Use was received indicating the system was completed 6/29/1979 and water was applied to beneficial use on 6/30/1979. The system was inspected in 1982 and Water

License No. 4134-3 was issued July 10, 1982. The water right was amended by the Water Management Board on May 15, 1985 to include the irrigation questionnaire qualification. The Water Right was suspended in 1986 for failure to submit the irrigation questionnaire. A July 7, 1986 inspection by Water Rights Staff Engineer Michael Jensen indicated there was no irrigation system on the lands authorized by Water Right No. 4134-3. Irrigation Questionnaire data for Water Right No. 4134-3 (see Table 1) indicates that irrigation under this appropriation was only reported during one year between 1985-2012.

Year	Acres Reported Irrigated	Questionnaire Comments
1985		Questionnaire not returned
1986	0	Suspended, no system
1987	0	No explanation
1988	135	
1989	0	No explanation
1990	0	No explanation
1991	0	No explanation
1992	0	No explanation
1993	0	"Got to [sic] much rain"
1994	0	No explanation
1995	0	No explanation
1996	0	No explanation
1997	0	No explanation
1998	0	"to[sic] wet"
1999	0	"to[sic] wet"
2000	0	No explanation
2001	0	CRP
2002	0	CRP
2003	0	CRP
2004	0	CRP
2005	0	CRP
2006	0	CRP
2007	0	CRP
2008	0	CRP
2009	0	No explanation
2010	0	sufficient moisture
2011	0	sufficient moisture
2012	0	sufficient moisture

Table 1. Irrigation reported under Water Right No. 4134-3.

Pursuant to SDCL 46-5-37:

"If any person entitled to the use of appropriated water fails to use beneficially any part of the water for the purpose for which it was appropriated, for a period of three years, the unused water shall revert to the public and shall be regarded as unappropriated public water."

Administrative Rule of South Dakota (ARSD)74:02:01:37.01 provides that if the water use under existing climatic conditions would result in a waste a water a legal excuse exists for the nonuse of water.

There are two periods (i.e. 1989-1992, 1994-1997) within the record in which legal excuse for the failure to place water to beneficial use may not exist. Since aquifer was determined to be fully appropriated in 2008 and again in 2013, SDCL 46-5-37.2 may not apply in 2008 and will not apply in 2014.

Although this proposed transfer will not result in an additional appropriation from the Tulare: Western Spink/Hitchcock management unit, it will likely result in an additional volume of water to be used under this appropriation. Although the Water Management Board has determined that the Tulare: Western Spink/Hitchcock aquifer is fully appropriated based on use, SDCL 46-5-34 allows for the transfer proposed by this application without regard to the availability of unappropriated water. The statute does require that the transfer be subject to existing rights.

Table 2 shows the water permit applications with their status that have been filed for appropriations from the Tulare: Western Spink/Hitchcock within approximately one mile of the diversion point proposed by this application.

PERMIT NO	NAME	PRIORITY DATE	STATUS	CFS	ACRES
3174A-3	GALEN & DEANNA KOESTER	10/15/1976	LC	1.33	138.4
3174-3	LESTER/DORIS MARSHALL	10/15/1976	IL	NA	NA
6668-3	BIXLER FARMS	11/07/2005	DN	NA	NA
6669-3	BIXLER FARMS	11/07/2005	DN	NA	NA
7737-3	BIXLER FARMS	NA	WI	NA	NA
7740-3	BIXLER FARMS	02/19/2013	WI	NA	NA
3174A-3	GALEN & DEANNA KOESTER	10/15/1976	LC	1.33	138.4
7737-3	BIXLER FARMS	NA	WI	NA	NA

NA= Not Applicable, LC= License, IL= Incorporated, DN= Denied, WI= Withdrawn

Table 2. Water Permit Applications with status within approximately one mile of the diversion point proposed by this application.

Historically, well interference has not been an issue from the Tulare: Western Spink Hitchcock aquifer. The aquifer is under unconfined conditions in this area and drawdown from this proposed diversion is not expected to adversely impact existing users.

CONCLUSIONS:

1. SDCL 46-5-34 provides authority to sever an irrigation right from one parcel of land and simultaneously transfer it to another parcel.
2. The Tulare: Western Spink Hitchcock aquifer was determined to be fully appropriated from 2008 to 2012 and from 2013 to present.
3. Approval of this transfer is likely to result in an increase of the average annual withdrawal from the aquifer.
4. The availability of unappropriated water is not a consideration required in SDCL 46-5-34.



Ken Buhler
SD DENR-Water Rights Program

REFERENCES

- Buhler, K.A., 2012a, Report on Water Permit Application No. 7289-3, Bixler Farms; Nos. 7290-3 and 7291-3, Lee Gatzke; No. 7293-3, Jeffery Gatzke; and No. 7292-3, Allen Gatzke; April 25, 2012: SD DENR-Water Rights Program
- Buhler, K.A., 2012b, Report to the Chief Engineer on Water Permit Application No. 7295-3, William F. St. Clair; No. 7316-3, Van Buskirk Farms LLP; No. 7348-3, Michael Sentell; No. 7364-3, Wipf Acres LP; No. 7365-3, Huron Colony; No. 7366-3, Huron Colony; No. 7367-3, Huron Colony; No. 7368-3 Huron Colony; No. 7369-3 Huron Colony; and No. 7370-3 Huron Colony; August 23, 2012: SD DENR-Water Rights Program
- Goodman, J.A., 2002, Report on Water Permit Application No. 6288-3 for Stanley Steinheuser, January 17, 2001: SD DENR-Water Rights Program.
- Goodman, J.A., 2002a, Report on Water Permit Application No. 6312-3 for Danny Peterson, April 19, 2002: SD DENR-Water Rights Program.
- Goodman, J.A., 2002b, Report on Water Permit Nos. 6330-3, 6331-3, 6332-3, 6336-3, 6337-3, 6338-3, 6339-3, 6340-3, 6343-3, 6344-3, 6345-3, 6346-3, 6348-3, 6353-3 For Water From The Tulare Hitchcock Aquifer and Water Permit Nos. 6333-3, 6334-3, 6347-3, 6351-3, 6352-3 For Water From The Tulare Western Spink Aquifer, September 10, 2002: SD DENR-Water Rights Program.
- Goodman, J.A., 2007, Report on Deferred Water Permit Application from the Tulare Hitchcock and Tulare Western Spink Aquifers in Spink, Hand and Beadle Counties, November 8, 2007: SD DENR-Water Rights Program.
- Goodman, J.A., 2012, Report on Water Permit Nos. 7288-3 and 7289-3 for Bixler Farms Nos. 7290-3 and 7291-3 for Lee Gatzke No. 7293-3 for Jeffery Gatzke And No. 7292-3 for Allen Gatzke January 28, 2012: SD DENR-Water Rights Program.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report: U.S. Army Corps of Engineers Contract DACW 45-C-0185
- In the Matter of Water Permit Application from the Tulare Aquifer. (Findings of Fact, Conclusions of Law and Final Decision issued March 11, 2008

Kuiper, L.K., 1984, Appraisal of the Water Resources of the Eastern Part of the Tulare Aquifer, Beadle, Hand, and Spink Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 84-4078, 52 p.

FOF, COL, FD In the Matter of Water Permit Application from the Tulare Aquifer

Water Rights, 2013, Irrigation Questionnaire Reports 2012, SD DENR-Water Rights Program,

SDCL 46-5-34 provides for the transfer of an irrigation water right provided the water right is valid. Review of reporting on the irrigation questionnaires indicates there was irrigation on the acreage in four years from 1987-1990. There has been no irrigation reported from 1990 on.

- In 1987, Water Rights Staff inspected the suspended permit and found no system on the acreage.
- Calculations were on use, not appropriations.
- Was received 8-30-1977,
- Water Rights Commission deferred action on the application at the October 6-7 Commission meeting, pending investigation by the Commission Staff.
- Reconsidered January 25, 1978, Commission decided at the time that the application remain in deferred status pending further investigation by the Commission Staff.
- Considered January 31, 1979
- Permit signed by the Chief Engineer on February 20, 1979
- Notice of Completion of Works and/or Application of Water to Beneficial Use indicates system was completed 6/29/1979 and water was applied to beneficial use on 6/30/1979
- Report of Examination of Works and/or Application of Water to Beneficial Use dated June 24, 1982 (Burt Jones)
- License issued July 10, 1982
- Irrigation questionnaire qualification added May 15, 1985 WMB
- July 7, 1986 inspection by Michael Jensen indicated there was no irrigation system on the lands authorized by Water Right No. 4134-3
- Since 2009 has reported "sufficient moisture" therefore no irrigation since 2009, there were only three irrigators that didn't irrigate in 2012. and the only one claiming sufficient moisture 82.78% of permitted acres were irrigated in 2012
-

RECEIVED

MAR 28 2014

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

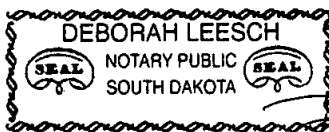
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, the undersigned, am Publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

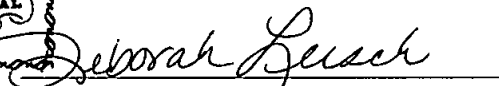
#790 NOTICE OF HEARING

A printed copy of which is hereto attached, was printed and published in said newspaper in 1 issue, to wit: The first publication being made on March 26th 2014, that Sixty-four and .40/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 26th day of March, 2014.




Notary Public, South Dakota

My commission expires 10/09/2019

Notice of Hearing

#790

NOTICE OF HEARING on Application No. 4134A-3 to Appropriate Water

Notice is given that Bixler Farms, c/o Reed Bixler, 39477 184th St, Hitchcock SD 57348 has filed Application No. 4134A-3 which requests to amend Water Right No. 4134-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 4134-3 held by Richard Boomsma appropriates 1.33 cubic feet of water per second (cfs) from one well located in the SW 1/4 SE 1/4 Section 10 for irrigation of 128 acres located in the SE 1/4 Section 10; all in T113N-R64W. This application proposes to move the system approximately 9 miles north and 8 miles east with the well to be located in the SW 1/4 SE 1/4 Section 25 to irrigate 128 acres located in the E 1/2 SW 1/4, SE 1/4 Section 25; all in T115N-R63W. The water source for this irrigation system is the Tulare-Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated are requested by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Richard Boomsma indicates because of unusually wet weather in the early 1990's, the land was enrolled in the Conservation Reserve Program which expired in 2007 or 2008. Since the wet conditions have not subsided making the acreage impracticable to irrigate the acreage located in the SE 1/4 Section 10-T113N-R64W has again been placed in the Conservation Reserve Program beginning in 2014. Richard Boomsma submitted a letter agreeing to this transfer of Water Right No. 4134-3.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4134A-3 because existing rights will not be unlawfully impaired.

The Water Management Board will consider this application at 10:00 a.m. on May 7, 2014 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. 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 interested person who intends to participate in the hearing shall file a petition to oppose or support the application and the petition shall be filed 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 Program, 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 April 28, 2014. The petition may be informal, but shall be in writing and shall 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. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court, as provided by law.

The May 7, 2014 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by April 28, 2014. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Contact Eric Gronlund by April 28, 2014 at the above Chief Engineer's address to request copies of the staff report, recommendation, application or other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is April 7, 2014. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

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which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31, 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:25.02; 74:02:01:35.01.

Steven M. Pirner,
Secretary, Department of Environment
and Natural Resources.

Published once at the total approximate cost of \$64.40. (Mar. 26)

RECEIVED

PRINTER'S AFFIDAVIT

APR - 1 2014

WATER RIGHTS
PROGRAM

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

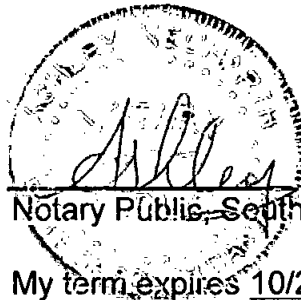
I, ELDON JACOBS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

SD ENVIRONMENTAL & NATURAL -
APPROPRIATE WATER - BIXLER

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 26TH day MARCH 2014. That the full amount of the fee charged for publishing is: NINETY-FIVE & 05/00 dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.



Subscribed and sworn to me before this 26TH day
of MARCH 2014.


Notary Public, South Dakota

My term expires 10/25/2017
Legal #1201

F.P. 03-26-14

**NOTICE OF HEARING
on Application
No. 4134A-3**

to Appropriate Water

Notice is given that Bixler Farms, c/o Reed Bixler, 39477 184th St, Hitchcock SD 57348 has filed Application No. 4134A-3 which requests to amend Water Right No. 4134-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 4134-3 held by Richard Boomsma appropriates 1.33 cubic feet of water per second (cfs) from one well located in the SW 1/4 SE 1/4 Section 10 for irrigation of 128 acres located in the SE 1/4 Section 10; all in T113N-R64W. This application proposes to move the system approximately 9 miles north and 8 miles east with the well to be located in the SW 1/4 SE 1/4 Section 25 to irrigate 128 acres located in the E 1/2 SW 1/4, SE 1/4 Section 25; all in T115N-R63W. The water source for this irrigation system is the Tulare Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated are requested by this application.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4134A-3 because existing rights will not be unlawfully impaired.

The Water Management Board will consider this application at 10:00 a.m. on May 7, 2014 in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. 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.

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Steven M. Pimer,
Secretary, Department
of Environment and
Natural Resources.

No. 1201 (adv.)
Published once at an
approximate cost of
\$95.05.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



March 17, 2014

Redfield Press
PO Box 440
Redfield SD 57469

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 4134A-3 to Appropriate Water. Please publish the notice once on March 26, 2014. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Bixler Farms, c/o Reed Bixler, 39477 184th St, Hitchcock SD 57348 (Ph # 605-354-3177).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



March 17, 2014

Plainsman
PO Box 1278
Huron SD 57350

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, March 17, 2014 1:29 PM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: Notice for No. 4134A-3
Attachments: 4134A-3public.wmb.docx

Attached is Notice of Application No. 4134A-3, Bixler Farms to be published on March 26, 2014.

The applicant is Bixler Farms, c/o Reed Bixler, 39477 184th St, Hitchcock SD 57348 (605 354-3177). He has been notified to contact you to authorize publication and arrange for payment.

If you have questions, let me know.

Karen Schlaak
Water Rights Program
Phone: 605 773-3352
Fax: 605 773-4068



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



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

March 17, 2014

Bixler Farms
Reed Bixler
39477 184th St
Hitchcock SD 57348

Dear Mr. Bixler:

Water Permit Application No. 4134A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Redfield Press printed at Redfield SD (Ph # 605-472-0822) and the Plainsman printed at Huron SD (Ph # 605-352-6401). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also 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.

cc: Richard Boomsma, 19749 Ponderosa Lane, Hitchcock SD 57348

Instruction to Newspaper – Publish the Notice on March 26, 2014. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

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Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at an approximate cost of _____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



MAY 30 2014

Bixler Farms
Reed Bixler
39477 184th St
Hitchcock SD 57348

Dear Mr. Bixler:

Enclosed is Water Permit No. 4134A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 4134A-3

I have this day, November 3rd, 2015, made a thorough examination of the water use system constructed by Bixler Farms c/o Reed Bixler at 39477 184th St., Hitchcock, SD of Permit No. 4134A-3, bearing the priority of August 30, 1977 authorizing the diversion of 1.33 cu. ft. per second of the waters of Tulare: Western Spink Hitchcock for irrigation purposes, in Spink County.

Inspection contact & relationship **Reed Bixler**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Kaiser Well Drilling Inc.
- 2) No. of Wells 2
- 3) Depth(s) 45 and 44 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 and 12 inches (12" well north well (helper well) and 16" well south well(main well))
- 2) Length 30 and 29 feet
- 3) Type plastic

Screen:

- 1) Type stainless steel
- 2) Length 10 and 15 feet
- 3) Static water level 18 feet

Pump:

- 1) Make submersible
- 2) Capacity 600 GPM (total between two wells)

Motor:

- 1) Horsepower rating 20 hp

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

- 1) Type underground pipe
- 2) Size unknown inches
- 3) Length ≈1,335 feet (south well)

Comments: **North well is at pivot center**

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1,289.8 feet
- 3) Number of towers 7
- 4) End gun Yes (range 100.9 feet)
- 5) Pressure: 34 psi
- 6) Capacity 600 GPM

Chemigation Equipment:

Does not chemigate

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

List any extended period of nonuse: none

- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the points of diversion located as follows: main well: SW ¼ SE ¼ Sec. 25-T115-R63W (-98.34763, 44.73458) and 243 feet north and 1,631 feet west of the SE corner of Sec. 25-T115-R63W; helper well: NW ¼ SE ¼ Sec. 25-T115N-R63W (-98.35037, 44.73770) and 1,375 feet north and 2,335 feet west of the SE corner of Sec. 25-T115-R63W

2. The works are capable of diverting and conveying to the place of use 1.33 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:

legal description/acreage

NE ¼ SW ¼ Sec. 25-T115W-R63W 23 acres
SE ¼ SW ¼ Sec. 25-T115W-R63W 22 acres
NW ¼ SE ¼ Sec. 25-T115W-R63W 39 acres

legal description/acreage

SW ¼ SE ¼ Sec. 25-T115W-R63W 36 acres
NE ¼ SE ¼ Sec. 25-T115W-R63W 7 acres
SE ¼ SE ¼ Sec. 25-T115W-R63W 6 acres

The above extents comprise a total of 133 acres, however the license should only be issued for a total of 128 acres of land and the license should be issued for 1.33 cfs.

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project:

Permit was issued for one well and during development an additional well was drilled. In preparing the map, the 2014 FSA aerial imagery and ArcMap 10.3.1 were used to calculate the irrigated area at 133 acres, indicating that the system is irrigating an additional 5 acres in a full appropriated aquifer and will need to be limited to 128 acres.

Report of Examination of Works

Permit No. 4134A-3

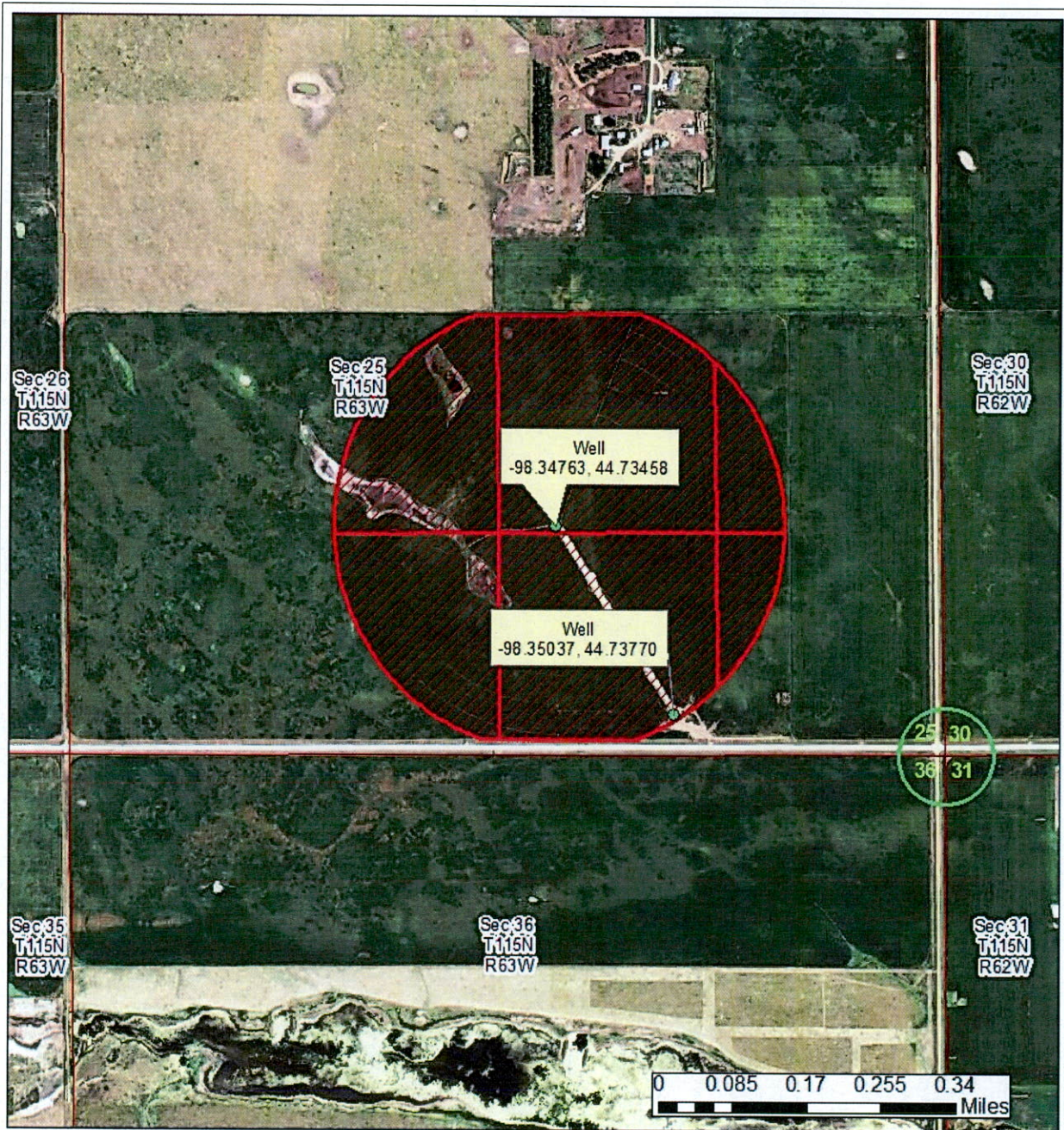
Whitney Kilts

Whitney Kilts

Natural Resources Engineer

DENR, Water Rights Program

Date report completed: 08/29/2016



Completed by: *Whitney Kilts*
Whitney Kilts, Natural Resources Engineer
SD DENR, Water Rights Program

Diversion point(s) located using Garmin eTrex 10 GPS
Date: August 29, 2016

Water Right No. 4134A-3

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

MAIL TO: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

Date 11-3-15

FROM: Bixler Farms c/o Reed Bixler
(name)

39477 184th Street
(address)

Hitchcock SD 57348 605 354-3177
(city) (state) (zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

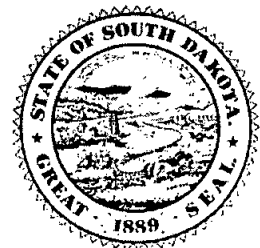
Water Permit No. 4134A-3 states that the water use system is to be constructed by
5-7-2019, and water is to be put to beneficial use by 5-7-2023
(date) (date)

The water use system was completed on 5-1-15
(date)

Applying the water to beneficial use was completed on 7-1-15
(date)

You may schedule an investigation so that the water license may be issued.

Reed Bixler



Additional Diversion Point

NAME: Bixler Farms

ADDRESS: 39477 184th St, Hitchcock SD 57348

DATE: 01/28/2016 **COUNTY:** Spink **TELEPHONE:** (605) 354-3177

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**

This permit authorized a transfer of acreage. This permit originally authorized one diversion point (well) for the SW ¼ SE ¼ Sec. 25-T115-R63W, an additional well was developed in the NW ¼ SE ¼ Sec. 25-T115N-R63W. Both wells were developed in the Tulare: Western Spink Hitchcock aquifer. The permit authorized a maximum diversion rate of 1.33 cubic feet per second (600 gallons per minute) the combined diversion rate for the two wells is 1.33 cubic feet per second (600 gallons per minute), therefore no additional water is appropriated.

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

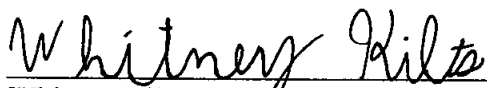
The permit authorized the irrigation of 128 acres located in the E ½ SW ¼, SE ¼ Section 25 in T115N-R63W. The developed acres match this location.

- **Review of Existing Diversions**

The additional diversion point (well) is located about 1,300 feet from the proposed well location and other developed well. The nearest water right/permit not belong to the permit holder is Water Permit No. 6333A-3 located about 1.8 miles away. This additional diversion point is not expected to adversely impact adequate wells in the area or existing water rights/permit.

RECOMMENDED ACTION

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



Whitney Kilts, Natural Resources Engineer
Water Rights Program

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

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



Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

OCT 24 2016

4134A-3

Reed Bixler
Bixler Farms
39477 184th St
Hitchcock SD 57348

Dear Mr. Bixler:

Enclosed is Water License No. 4134A-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4134A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

With regard to the acreage irrigated, the field investigation of your water use system found the pivot covers a total of 133 acres. Please keep in mind you are limited to a total of 128 acres within that area. Irrigation over and above 128 acres is a violation of the 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. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4134A-3**

(1) Reed Bixler, Bixler Farms, 39477 184th St, Hitchcock SD 57348 made Application No. 4134A-3, January 13, 2014 for a water permit to amend Water Right No. 4134-3 by transferring the irrigated acreage and point of diversion to other land. No. 4134A-3 authorized use of the 1.33 cubic feet of water per second (cfs) diversion authority and movement of 128 acres approximately 9 miles north and 8 miles east of its current location. The water source for the irrigation system is ground water, one well, Tulare Western Spink Hitchcock aquifer and is located in Spink County, South Dakota. Permit No. 4134A-3, with a priority date of August 30, 1977 (established under Water Right No. 4134-3) was approved May 7, 2014 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 7, 2019 and for the application to beneficial use of said water on or before May 7, 2023.

Water Right No. 4134-3, held by Richard Boomsma was cancelled on July 10, 2014 based on the entire acreage and diversion rate authority being transferred to acreage owned by Bixler Farms as authorized under Water Permit No. 4134A-3.

Bixler Farms submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on November 3, 2015 indicating the water use system was completed and water placed to beneficial use in the summer of 2015.

Permit No. 4134A-3 authorized one well to be located in the SW ¼ SE ¼ Section 25, T115N, R63W. The investigation of the water use system found an additional well had been constructed and was located in the NW ¼ SE ¼ Section 25. Both wells were developed in the Tulare Western Spink Hitchcock Aquifer. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding the additional diversion point did not increase the potential for adverse effects to existing diversions. The authorization for the additional well did not allow for an increase in the 1.33 cfs diversion authority.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.33 cubic feet of water per second for beneficial use. The location of the diversion points are:

Main well: 243 feet N & 1,631 feet W of the SE corner of Section 25, T115N, R63W (SW ¼ SE ¼);

Helper well: 1,375 feet N & 2,335 feet W of the SE corner of Section 25, T115N, R63W (NW ¼ SE ¼).

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

Section 25, T115N, R63W	NE ¼ SW ¼	23 acres
	SE ¼ SW ¼	22 acres
	NW ¼ SE ¼	39 acres
	SW ¼ SE ¼	36 acres
	NE ¼ SE ¼	7 acres
	SE ¼ SE ¼	6 acres
	Total	*133 acres

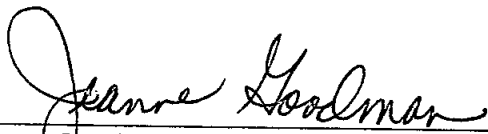
***The above acreage comprises a total of 133 acres – this license is limited to a total of 128 acres within the area described above.**

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 Reed Bixler, Bixler Farms, 39477 184th St, Hitchcock SD 57348 the holder and/or owner of Water Right No. 4134A-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from ground water, two wells (Tulare Western Spink Hitchcock Aquifer) with a priority date of August 30, 1977 from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 4134A-3 and subject to the following qualifications:

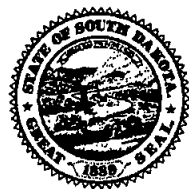
- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 4134A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. ***Both wells were drilled by Kaiser Well Drilling in July and December, 2014.***
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 24 2016

date



RECEIVED

NOV 17 2017

WATER RIGHTS
PROGRAM

4134A-3

Selection Info Detail Report



Client Information:

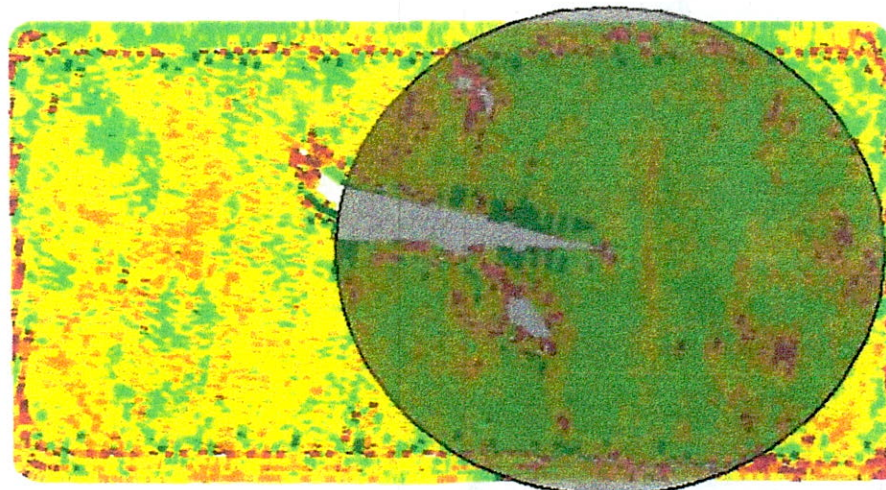
Client: Bixler Farms
Farm: 2017
Field: Bartels

Field Information (Cont):

Minimum Moisture: 9.08 %
Minimum Dry Weight: 0.0 lb/ac
Minimum Wet Weight: 0.0 lb/ac
Minimum Dry Yield: 0.0 bu/ac
Total Dry Weight: 386,028 lb
Total Wet Weight: 386,028 lb
Total Dry Yield: 6,432.8 bu
Productivity: 21.15 ac/h
Minimum Time: 10/18/2017 3:15:16 PM

Field Information:

Average Fuel: 19 gal/h
Area: 127.06 ac
Elapsed Time: 6.009 h
End Time: 10/18/2017 10:01:26 PM
Average Moisture: 10.23 %
Average Dry Weight: 3,038.2 lb/ac
Average Wet Weight: 3,038.2 lb/ac
Average Dry Yield: 50.6 bu/ac
Maximum Moisture: 13.14 %
Maximum Dry Weight: 100,000.0 lb/ac
Maximum Wet Weight: 100,000.0 lb/ac
Maximum Dry Yield: 1,666.4 bu/ac



11/13/2017 7:49 PM

Page 1 of 1

Pie Shaped Water Hole
Programed Not to Water Here
Yield Map Shows Where Located



United States
Department of
Agriculture

Spink County, South Dakota



Common Land Unit ☐ PLSS

☐ Cropland

☐ Tract Boundary

Wetland Determination Identifiers

● Restricted Use

▽ Limited Restrictions

■ Exempt from Conservation

■ Compliance Provisions

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

2017 Program Year

Map Created December 28, 2016

Farm 9363

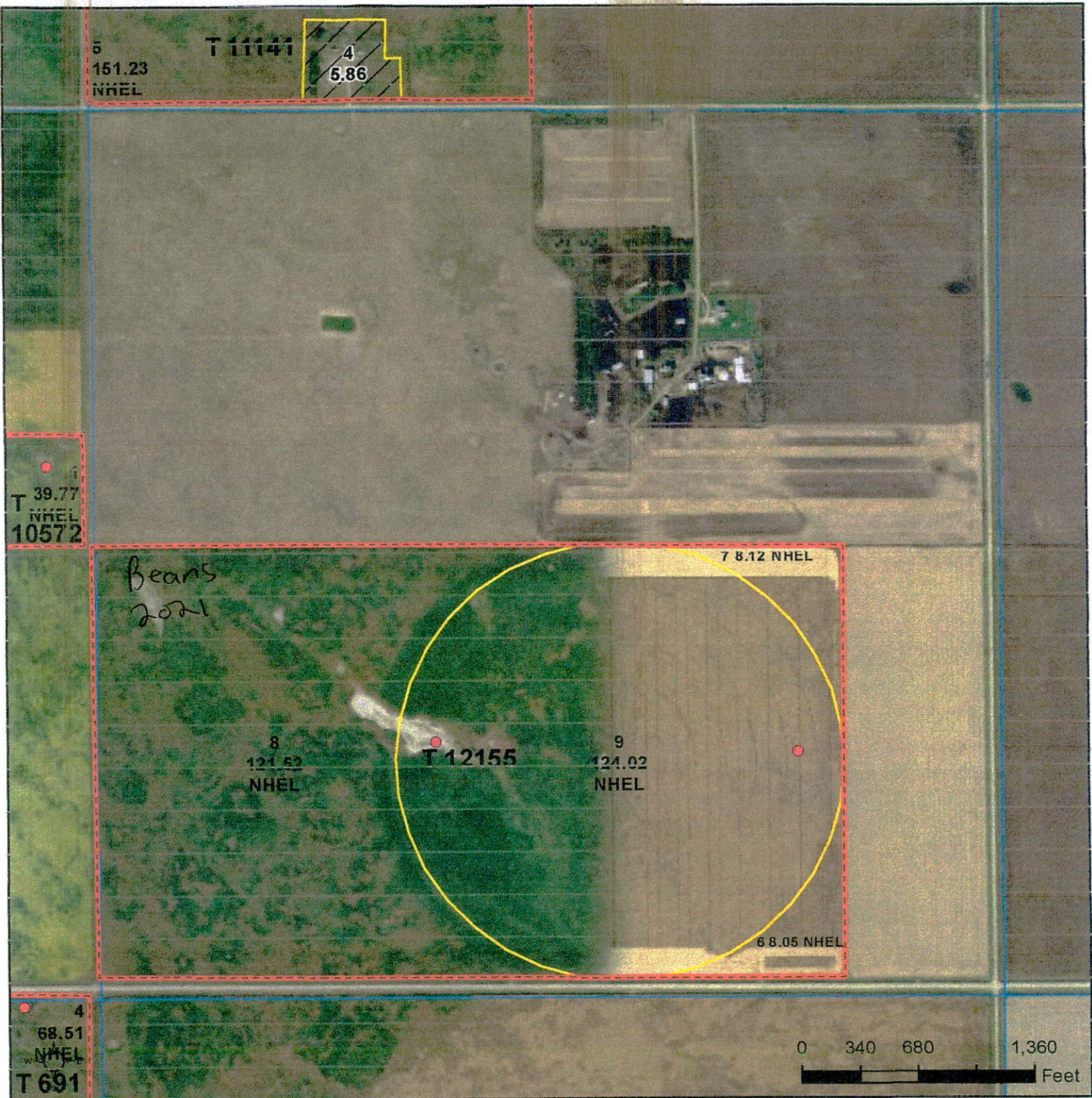
25 -115N -63W



United States
Department of
Agriculture

Spink County, South Dakota

4134A-3



Common Land Unit ☐ PLSS

☐ Cropland

☐ Tract Boundary

Wetland Determination Identifiers

● Restricted Use

▼ Limited Restrictions

■ Exempt from Conservation

■ Compliance Provisions

Unless Noted Otherwise:

ALL Beans are COM. ALL Corn is YEL

ALL crops NON-IRR; Intetended use GR; Solid Planting Pattern

Grass: cropland-SMO BRO; NC=NAG

Shares: _____

Initial and Date: _____

2020 Program Year

Map Created April 28, 2020

Farm 9773

25 -115N -63W

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