

**WATER PERMIT NO. 4195A-3**

Name of Applicant: Spink Colony

Address: 18206 Spink Lane, Frankfort SD

Phone: 605 472-1269

Amount of Water Claimed: no add'l

Total Acres: no add'l

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Spink

Type of Waste Disposal System:

Location: 10 miles south of Frankfort

PRIORITY

Date Received: 1-4-07

Application/License Fee: \$100

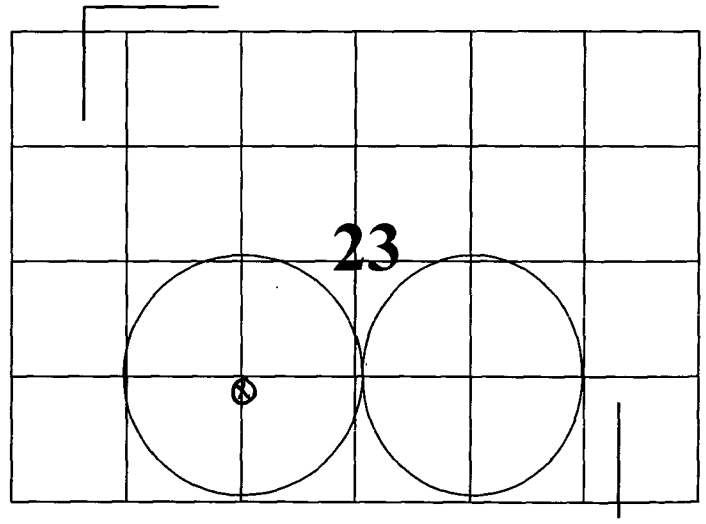
Corrected Application Received:

Period of Annual Use: April 1 – November 30

Remarks: transfer acreage and diversion authority authorized by Water Right No. 4195-3

Diversion Point: center SW ¼ Sec 23-T115N-  
R62W

Land to be Irrigated: S ½ Sec 23-T115N-R62W



Depth of Well: 100 feet deep

Well Driller: : Empire Drilling

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 1-9-07

By: Karen Schlaak

Notice of Hearing - date to intervene: \_\_\_\_\_

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

|                                                                                                                    |                                                                      |
|--------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Mail to:<br>Water Rights Program<br>Joe Foss Building<br>523 E. Capitol<br>Pierre, SD 57501-3181<br>(605) 773-3352 | No. <u>4195A-3</u> (office use only) Hydrologic Unit <u>10160006</u> |
|                                                                                                                    | Basin <u>James River</u>                                             |
|                                                                                                                    | Newspaper <u>Redfield Press, Redfield SD</u>                         |
|                                                                                                                    | <u>605-472-0822</u> <u>57469</u>                                     |

RECEIVED  
JAN - 4 2007  
WATER RIGHTS  
PROGRAM

## Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 4195-3  
(Use predates Mar 2, 1955)

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

transfer acreage authorized by Water Right No. 4195-3 to the S 1/2 Section 23, T115N, R62W. Existing well originally authorized by cancelled Water Right No. 3467-3 will be used

- Name of Applicant Spink Colony Phone (605) 472-1269  
(check one) ☒ Owner ☐ Tenant/lessee  
Mailing Address 18206 Spink Lane Frankfort State SD 57440  
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed no add'l \*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)
- Source of water supply Well completed into the Tulare:East James Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Spink  
approximately 100 feet south from the center of the SW 1/4 Section 23, T115N, R62W
- County or counties where water will be used Spink
- Annual period during which water is to be used ~~May 1 - September 30~~ April 1 - November 30
- 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 |
|--------------------------------|-------|------------------|-------|
| SW 1/4 Section 23, T115N, R62W | 136   |                  |       |
| SE 1/4 Section 23, T115N, R62W | 136   |                  |       |
|                                |       |                  |       |
|                                |       |                  |       |

8. Give a description of the project. (Attach sheet if more space is needed) W R 1979-3

Propose to transfer the 272 acres authorized by WR No. 4195-3 to the S 1/2 Section 23. The current acreage is also covered and will continue to be irrigated from the James River. This transfer will allow Spink Colony to make the highest beneficial use of the water. We realize the Colony is limited to one well with a diversion of 850 gpm

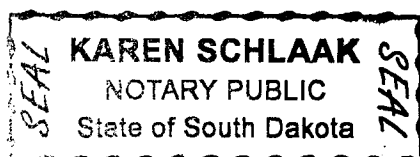
STATE OF SOUTH DAKOTA)  
County of Hughes ) SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Paul P Wiipp, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Paul P Wiipp

Subscribed and sworn to before me this 4<sup>th</sup> day of January 20 07



Karen Schlaak  
Notary Public signature

My Commission Expires  
April 1, 2007

**SOUTH DAKOTA  
WATER PERMIT NO. 4195A-3**

Date of first receipt of application January 4, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 4195A-3 to Spink Colony, c/o Paul P Wipf, 18206 Spink Lane, Frankfort SD 57440 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. 4195A-3 amends Water Right No. 4195-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 4195-3 appropriates 1.88 cubic feet of water per second from one well located in the center of the SW 1/4 Section 35-T115N-R62W to irrigate 272 acres located in the SW 1/4 Section 35-T115N-R62W and NW 1/4 Section 2-T114N-R62W. This permit authorizes moving the center pivots approximately two miles north with the well located in the center of the SW 1/4 Section 23 to irrigate 272 acres located in the S 1/2 Section 23; all in T115N-R62W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – November 30.
3. The date from which applicant may claim right is December 15, 1977.
4. The date of approval of Permit No. 4195A-3 is March 26, 2007.
5. One-fifth of the construction is to be completed on or before September 26, 2009.
6. All construction is to be completed on or before March 26, 2012.
7. Water is to be put to beneficial use on or before March 26, 2016.
8. 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. If well located in the SW 1/4 Section 35-T115N-R62W is abandoned it shall be plugged in accordance with South Dakota Well Construction Standards. The well may be used for domestic stock watering provided no more than 18 gallons per minute is pumped from the well.

**WATER MANAGEMENT BOARD**

By: Garland Erbele  
Garland Erbele, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

**APR 30 2007**

date



(type or print in ink)

**1. Well Information - Proposed Construction**

- a) Drill Hole Diameter 26" Depth 100'
- b) Casing Type Steel Diameter 16" Thickness 3/8"
- c) Screen Type Steel Diameter 16" Thickness 3/8"
- d) Gravel Pack \_\_\_\_\_ Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material 60 feet
- f) Depth to Water (ground surface to water level) approximately 33 feet
- g) Distance to nearest existing domestic well:

On applicants property 1/2 mile southOn property owned by others 1 1/2 mile south**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

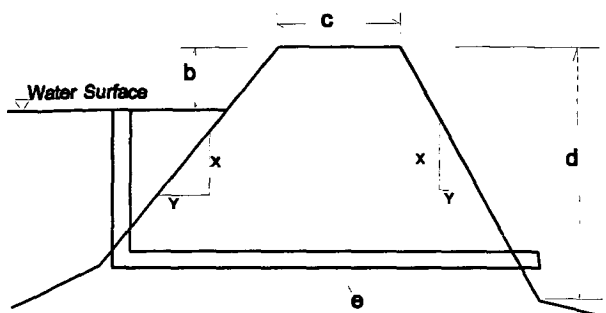
**3. Dugout Information**

- a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_
- b) Depth to water (ground surface to water level) \_\_\_\_\_

**4. Water Storage Dams**

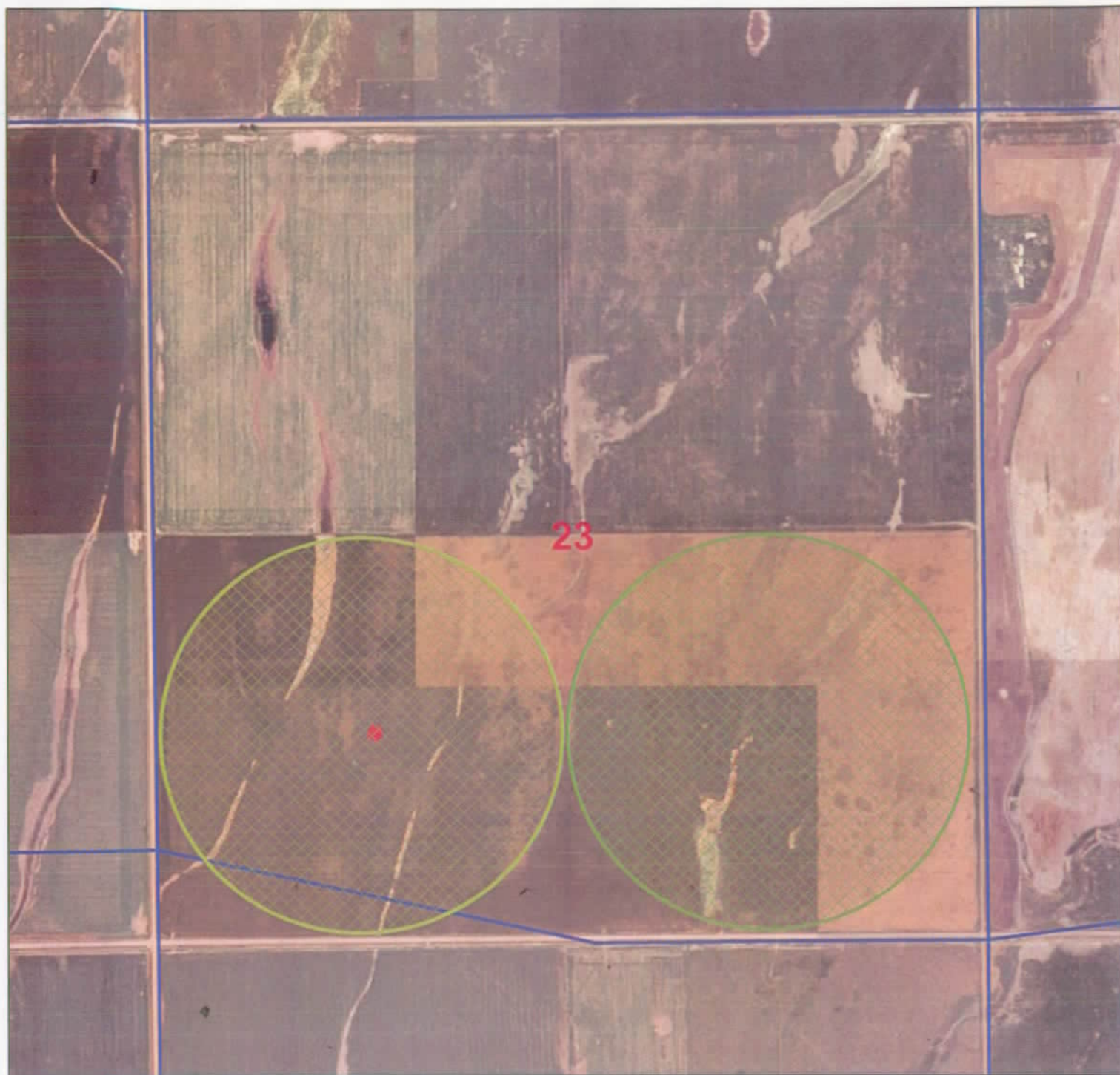
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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 \_\_\_\_\_  
Upstream \_\_\_\_\_  
Downstream \_\_\_\_\_
- h) Surface Area of Impoundment \_\_\_\_\_
- i) Storage \_\_\_\_\_ Acre Feet
- j) Drainage Area Above Dam \_\_\_\_\_ Acres

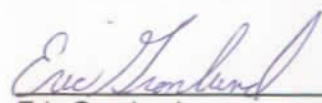
Water Permit Application to Transfer Acreage under Water Right No. 4195-3, Spink Colony



0 312.5 625 1,250 1,875 2,500 Feet

Existing well located approximately 100 feet south of center of SW 1/4 of Section 23, T115N, R62W  
New acreage is in the S 1/2 Section 23, T115N, R62W



  
Eric Gronlund  
Water Rights Program, DENR  
January 4, 2007

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 4, 20 07

RECEIVED OF 6Paul Wipf, Spink Colony, 18206 Spink lane, Frankfort SD 57440

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

|                                                                                                                         |       |        |
|-------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>4195A-3</u> to Appropriate Water, to construct and to put water to beneficial use | 50    | 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>4195A-3</u>            | 50    | 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 | 100.00 |

No.

02757

By

Darland Ebele

Chief Engineer

*gm*



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 4195A-3, Spink Colony**

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. 4195A-3, Spink Colony, c/o Paul P. Wipf, 18206 Spink Lane, Frankfort SD 57440.

The Chief Engineer is recommending APPROVAL of Application No. 4195A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. If well located in the SW ¼ Section 35, T115N, R62W is abandoned it shall be plugged in accordance with South Dakota Well Construction Standards. The well may be used for domestic stock watering provided no more than 18 gallons per minute is pumped from the well.

See report on application for additional information.

Garland Erbele, Chief Engineer  
February 22, 2007

REPORT ON WATER PERMIT NO. 4195A-3  
For Spink Colony  
January 26, 2007

Application No. 4195A-3 proposes to amend Water Right No. 4195-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 4195-3 appropriates 1.88 cfs from a well located in the center of the SW  $\frac{1}{4}$  of section 35, T115N R62W to irrigate 272 acres located in the SW  $\frac{1}{4}$  of section 35, T115N R62W and the NW  $\frac{1}{4}$  of section 2, T114N R62W. This application proposes to move the center pivots approximately two miles north with the well located in the center of the SW  $\frac{1}{4}$  of section 23 to irrigate 272 acres located in the S  $\frac{1}{2}$  of section 23; all in T115N R62W. The water source is the Tulare East James aquifer and no increase in the diversion rate or number of acres irrigated is authorized 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. Spink Colony indicates that the transfer will allow the colony to make the highest beneficial use of the water given the fact the currently authorized acreage will remain irrigated under their James River water right.

#### AQUIFER – TULARE EAST JAMES (T-EJ)

The Tulare East James aquifer is an outwash (sand and gravel) that is under artesian conditions in this area but appears to be under water table conditions at the well site for this application. The aquifer underlies 125,600 acres in Spink and Beadle Counties and contains an estimated 762,000 acre-feet of recoverable water in storage in these counties (Goodman, 2006). Recharge to the aquifer has been estimated to be about 0.76 inches per year (Kuiper, 1976) or 7,950 acre-feet per year.

The Tulare East James aquifer has been declared to be fully appropriated based upon water use by the Water Management Board on July 12, 2006. This basically means no additional irrigated acreage or additional water can be allocated from the aquifer unless existing permitted diversions or irrigated acres are abandoned to make up for a new request.

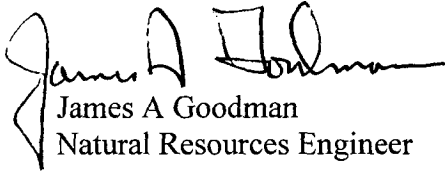
The Water Rights Program monitors an observation well, SP-77L, located about one mile northeast of the well for this application. This observation well does fluctuate with area pumping. Note the amount of fluctuation (maximum of almost 20 feet) in artesian head pressure that can be expected. The distance between the well for this application and nearby irrigation wells should be sufficient to minimize any potential impacts. A hydrograph for this observation well is included with this report (Water Rights, 2007). Also it appears that the aquifer at the transfer well site is under water table conditions.

#### REVIEW OF EXISTING WATER PERMITS/RIGHTS

The closest irrigation well is about  $\frac{3}{4}$  mile to the south (Water Right No. 2375-3, 1.78 cfs) and is under water table conditions. Previously, there was another water right (Water Right No. 3467-3) at this proposed site that was cancelled for abandonment in 2004. The aquifer at this site also appears to be under water table conditions. Interference is not expected to be a concern.

## CONCLUSIONS

1. Water is available for this transfer from Water Right No. 4195-3.
2. The amount of water transferred from No. 4195-3 is limited to the permitted rate of 1.88 cfs and 272 acres.
3. The original site of Water Right No. 4195-3 will now be considered abandoned and the well for that right must be plugged in accordance with SD Well Construction Standards unless the well will be used for domestic stock watering purposes. The systems located on that land still can be irrigated from the James River under Water Right No. 1979-3.
4. The Colony is aware of the historical and the potential water quality problems at the transfer site. These problems apparently led to the original abandonment of the site for irrigation.
5. The Water Management Board has determined that no additional water is available from the Tulare East James aquifer.

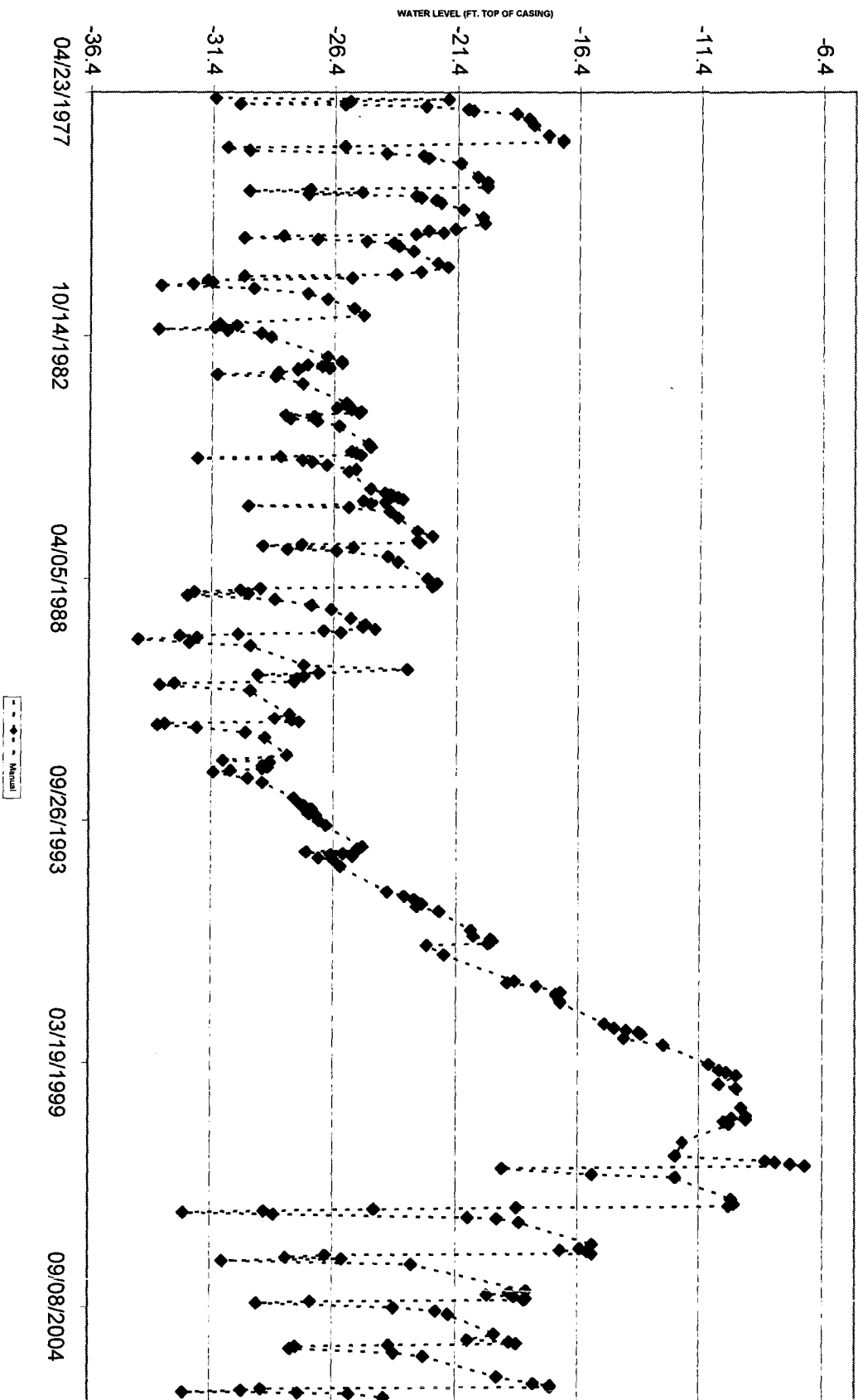


James A Goodman  
Natural Resources Engineer

## BIBLIOGRAPHY

- Goodman, J.A., 2006, Report on Water Permit Application No. 6711-3 for Oscar Inc. and Nos. 6712-3 and 6713-3 for Peterson Farms, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.
- Kuiper, L.K., 1984, Appraisal of Water Resources of the Eastern Part of the Tulare Aquifer, Beadle, Hand, and Spink Counties, South Dakota, Water-Resources Report 84-4078, USGS, Huron, SD, 57325.
- Water Rights, 2007, Unpublished Observation Well Data for Spink County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL  
SP-77L



## Affidavit of Publication

STATE OF SOUTH DAKOTA,  
County of Spink: ss.

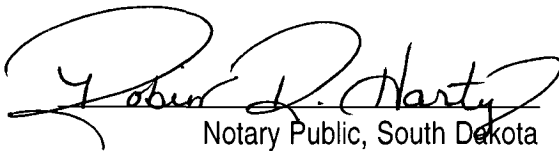
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, 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:

### # 72 Notice of Application

A printed copy of which is hereto attached, was printed and published in said newspaper in 2 successive issues, to wit: The first publication being made on March 7<sup>th</sup>, 2007 and the last publication being made on March 14<sup>th</sup>, 2007 that the full amount of Fifty Four and .96/100 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 15<sup>th</sup> day of March, 2007.



Notary Public, South Dakota

My commission expires 06/20/2012

RECEIVED  
MAR 23 2007  
WATER RIGHTS  
PROGRAM

# Notice of Application

#72  
NOTICE OF APPLICATION NO.  
4195A-3

## to Amend Water Right No. 4195-3

Notice is given that Spink Colony, c/o Paul Wipf, 18206 Spink Lane, Frankfort SD 57440 has filed an application for a water permit to amend Water Right No. 4195-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 4195-3 appropriates 1.88 cubic feet of water per second from one well located in the center of the SW 1/4 Section 35-T115N-R62W to irrigate 272 acres located in the SW 1/4 Section 35-T115N-R62W and NW 1/4 Section 2-T114N-R62W. This application proposes to move the center pivots approximately two miles north with the well located in the center of the SW 1/4 Section 23 to irrigate 272 acres located in the SW 1/4 Section 23; all in T115N-R62W. The water source for this irrigation system

is the Tulare:East James' Aquifer and no increase in the diversion rate or number of acres irrigated is authorized 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. Spink Colony indicates that the transfer will allow the colony to make the highest beneficial use of the water given the fact the currently authorized acreage will remain irrigated under their James River water right.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4195A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 March 26, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(March, 7, 14)



February 26, 2007

Redfield Press  
PO Box 440  
Redfield SD 57469-0440

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 4195A-3 to Appropriate Water to be published twice. Please publish the first notice on March 7, 2007 with the second publication 7 days later. 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, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Spink Colony, c/o Paul P Wipf, 18206 Spink Lane, Frankfort SD 57440 (Ph # 605 472-1269).

**Please send the Water Rights Program the first publication immediately.** The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** 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

-----CUT HERE-----

No. 4195A-3

TO: Eric Gronlund  
Water Rights Program  
Joe Foss Building  
Pierre SD 57501-3181

Date \_\_\_\_\_

We are in receipt of your letter of February 26, 2007 enclosing Notice to Appropriate Water by Application No. 4195A-3 which was first published in our issue of \_\_\_\_\_. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

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

February 26, 2007

Spink Colony  
c/o Paul P Wipf  
18206 Spink Lane  
Frankfort SD 57440

Dear Mr. Wipf:

Water Permit Application No. 4195A-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 Publisher of the Redfield Press printed at Redfield, SD (Ph # 605 472-0822). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. 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.

Instruction to Newspaper - Publish first Notice on March 7, 2007 with the second publication 7 days later. The applicant is responsible for payment.

---

NOTICE OF APPLICATION NO. 4195A-3  
to Amend Water Right No. 4195-3

Notice is given that Spink Colony, c/o Paul Wipf, 18206 Spink Lane, Frankfort SD 57440 has filed an application for a water permit to amend Water Right No. 4195-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 4195-3 appropriates 1.88 cubic feet of water per second from one well located in the center of the SW 1/4 Section 35-T115N-R62W to irrigate 272 acres located in the SW 1/4 Section 35-T115N-R62W and NW 1/4 Section 2-T114N-R62W. This application proposes to move the center pivots approximately two miles north with the well located in the center of the SW 1/4 Section 23 to irrigate 272 acres located in the S 1/2 Section 23; all in T115N-R62W. The water source for this irrigation system is the Tulare:East James Aquifer and no increase in the diversion rate or number of acres irrigated is authorized 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. Spink Colony indicates that the transfer will allow the colony to make the highest beneficial use of the water given the fact the currently authorized acreage will remain irrigated under their James River water right.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4195A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting 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 March 26, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



APR 30 2007

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

SPINK COLONY  
PAUL WIPF  
18206 SPINK LANE  
FRANKFORT SD 57440

Dear Mr. Wipf:

Enclosed is Water Permit No. 4195A-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,

Garland Erbele, 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. 4195A-3

I have this day, May 23, 2012 and November 3, 2015, made a thorough examination of the water use system constructed by Spink Hutterian Brethren, c/o Paul Wipf, 18206 Spink Lane, Frankfort SD of Permit No. 4195A-3, bearing the priority of December 15, 1977 authorizing the diversion of 1.88 cu. ft. per second of water of from the Tulare:East James aquifer for irrigation purposes, in Spink County.

Inspection contact & relationship     **Paul Wipf**  
to permit holder, if applicable:

### A. Works used to divert the water:

#### Well Information:

- 1) Well Drilling Firm: Unknown
- 2) No. of Wells 1
- 3) Depth(s) approx. 100 feet
- 4) Well log is available No If no, explain in comments

Comments:     **This is a well estimated to be 25 – 30 years old. The well was previously the source for cancelled Water Right No. 3467-3**

#### Casing:

- 1) Diameter est 16 inches

#### Screen:

- 1) Type stainless
- 2) Static water level est. 35 feet

#### Pump:

- 1) Make submersible
- 2) Capacity 800 GPM

\*\* in a previous inspection of Water Permit No. 3467-3 there was a turbine pump. This was retrofitted to a submersible at some time

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

- 1) Type aluminum
- 2) Size 8 inches
- 3) Length approx. 160 feet

Comments:     **Water is transported from well in a pipeline underground 160 feet to the pivot in the center of the SW ¼. There is a "Y" valve which can be controlled to direct water to either pivot. There is approximately 2,660 feet of is underground pipe to supply the pivot in the SE ¼ of the section.**

**C. Works used to apply water to beneficial use:****Center pivot:**

- 1) Make SW ¼ - T-L SE ¼ T-L
- 2) Overall length both approximate 1,380 feet inclusive of the endgun
- 3) Number of towers 8
- 4) End gun Yes
- 5) Capacity 800\* GPM

\* According to Paul Wipf

**Chemigation Equipment:**

- 1) Does chemigate Yes
- 2) Main line check valve Yes
- 3) Inspection port/air relief Yes
- 4) Low pressure drain Yes
- 5) Discharge is 20' from source Not operational at time of November 3, 2015 inspection
- 6) Interlock type electrical
- 7) Injection pump type piston
- 8) Injection check valve Yes
- 9) Injection line check valve or positive displacement pump unknown

Comments:

**D. Compliance with Permit Requirements:**

- 1) Permit qualifications being abided by see comment below

If no, describe: **Qualification No. 3** regards the well in the SW ¼ Section 35, T115N, R62W to be plugged if abandoned or if used for stock watering limited to 18 gpm or less. At the May 2012 inspections, Mr. Wipf indicated the well was temporarily capped so if they get a new permit someday. On November 3, 2015, it was conveyed to Water Rights staff that this quarter section is now owned by Collins Colony and that Spink Colony no longer has control of the property.

- 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: **See Item D. 1) for explanation**

**E. Condition and Location:**

1. The system is in good condition with the point(s) of diversion located as follows: 1,190 feet north and 1,285 feet east of SW ¼ Section 23, T115N, R62W ( SW ¼ SW ¼). Latitude 44.75155 Longitude - 98.25623
2. The works are capable of diverting and conveying to the place of use 1.78 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 23, T115N, R62W

NW ¼ SW ¼ - 34 acres

NW ¼ SE ¼ - 34 acres

NE ¼ SW ¼ - 34 acres

NE ¼ SE ¼ - 34 acres

SW ¼ SW ¼ - 34 acres

SW ¼ SE ¼ - 34 acres

SE ¼ SW ¼ - 34 acres

SE ¼ SE ¼ - 34 acres

comprising a total of 272 acres of land and the license should be issued for 1.78 cfs.

3. All structures, wells and lands on map Yes

If no, describe:

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

Initial inspection was conducted May 23, 2012. At that time a pivot was not in place in the SE ¼ of Section 23, T115N, R62W. Spink Colony had a pivot in their equipment yard that Mr. Wipf indicated was intended for this quarter section. The time to complete construction was March 26, 2007. Upon returning to Pierre, I consulted with then Chief Engineer Garland Erbele. A decision was made that Spink Colony had essentially completed construction in that the well was in place and serving water to the SW ¼ Section 23 and the other pivot was on the colony's property and a pivot pad was in the SE ¼ Section 23. Our November 3, 2015 inspection was to confirm that the entire system was in place and operational.

The two pivots have been switched to drop nozzles. However, I relied on Mr. Wipf's representation that the systems operate at 800 gpm. The two pivots operate on an alternating basis since the one well does not supply a capacity to operate at the same time.

Water Permit No. 4195A-3 transferred the well and acreage to a new location. Licensing of Permit No. 4195A-3 can incorporate the originating Water Right No. 4195-3.

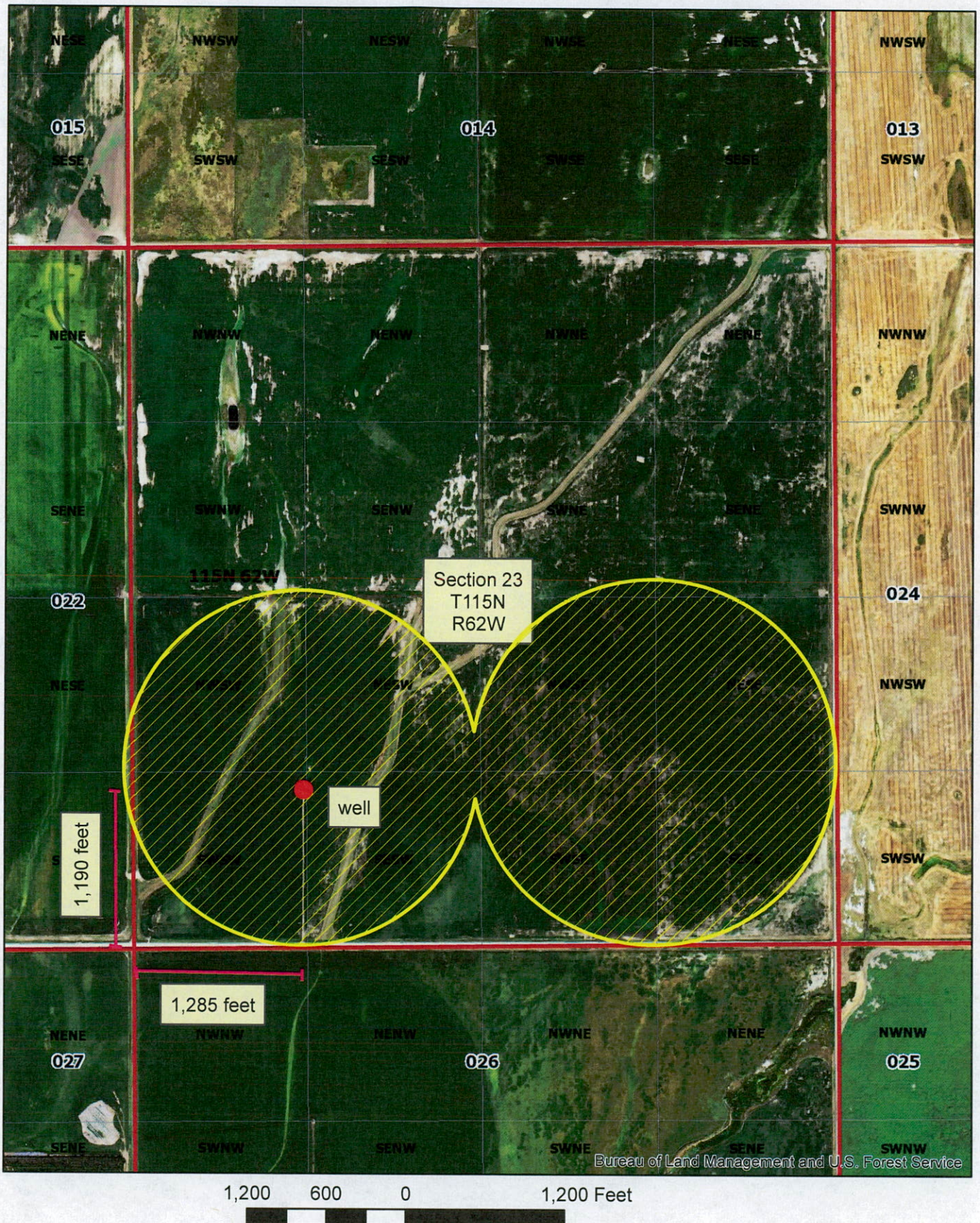


Eric Gronlund

Water Rights Engineer

DENR, Water Rights Program

Date report completed: December 23, 2015



Well - 1,190 feet north and 1,285 east of southwest corner of Section 23, T115N, R62W  
 Latitude. 44.75155 degrees  
 Longitude -98.25623



*Eric Gronlund*

Eric Gronlund  
 Water Rights Program, DENR  
 Date of Inspection - November 3, 2015

**STATE OF SOUTH DAKOTA  
WATER LICENSE NO. 4195A-3**

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(1) Spink Hutterian Brethren, 18206 Spink Lane, Frankfort SD 57440 made Application No. 4195A-3, January 2, 2007 for a water permit to amend Water Right No. 4195-3 by transferring the irrigated acreage and point of diversion to other land. No. 4195A-3 authorized moving the center pivots and diversion point two miles north with no increase in the diversion rate or number of acres irrigated. The project is located in Spink County, South Dakota. Permit No. 4195A-3, with a priority date of December 15, 1977 (established under Water Right No. 4195-3) was approved March 26, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 26, 2012 and for the application to beneficial use of said water on or before March 26, 2016.

The applicable portions of Water Right No. 4195-3 are incorporated into Water License No. 4195A-3.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 1,190 feet N and 1,285 feet E of the SW corner of Section 23, T115N, R62W (SW ¼ SW 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 23, T115N, R62W |          |           |          |
|-------------------------|----------|-----------|----------|
| NW ¼ SW ¼               | 34 acres | NW ¼ SE ¼ | 34 acres |
| NE ¼ SW ¼               | 34 acres | NE ¼ SE ¼ | 34 acres |
| SW ¼ SW ¼               | 34 acres | SW ¼ SE ¼ | 34 acres |
| SE ¼ SW ¼               | 34 acres | SE ¼ SE ¼ | 34 acres |
| Total 272 acres         |          |           |          |

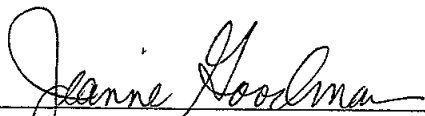
(4) Pursuant to South Dakota Water Law 46-5-30.1 Spink Hutterian Brethren, 18206 Spink Lane, Frankfort SD 57440 the holder and/or owner of Incorporated Water Right No. 4195A-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Tulare East James Aquifer) with a priority date of December 15, 1977 from the location 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. 4195A-3 and subject to the following qualifications:

- 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

continued

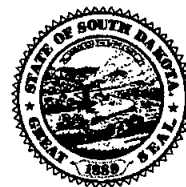
- If well located in the SW ¼ Section 35, T115N, R62W is abandoned it shall be plugged in accordance with South Dakota Well Construction Standards. The well may be used for domestic stock watering provided no more than 18 gallons per minute is pumped from the well. *At the time of inspection, the well had been temporarily capped. At the time of licensing, Spink Hutterian Brethren no longer had control of the property.*



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

JUL 22 2016

date





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

JUL 22 2016

4195-3  
4195A-3

Paul Wipf  
Spink Hutterian Brethren  
18206 Spink Lane  
Frankfort SD 57440

Dear Mr. Wipf:

Enclosed is Water License No. 4195A-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. 4195A-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.

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

**Note: Upon licensing, the applicable portions of Water Right No. 4195-3 were incorporated into Water License No. 4195A-3.**

4195A-3



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 20, 2022

**NOTICE**

TO: SPINK COLONY, JOHN J WIPF, 18206 SPINK LN, FRANKFORT, SD 57440 7207

FROM: Ron Duvall, Water Rights Permitting Administrator  
for Eric Gronlund, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1538-3, 2396-3 & 3468-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2276-3A , 4195A-3, 5737-3, 7424-3, 7425-3 & 7427-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2276-3A , 4195A-3, 5737-3, 7424-3, 7425-3 & 7427-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1538-3, 2396-3 & 3468-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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](mailto:genny.mcmath@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: KTKGUJ**

**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.

4195A-3



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 26, 2022

John J Wipf  
Spink Colony  
18206 Spink Ln  
Frankfort SD 57440

RE: Water Right or Permit Nos. 1538-3, 2276-3A, 2396-3, 3468-3, 4195A-3, 5737-3, 7424-3,  
7425-3 & 7427-3

Dear Mr. Wipf:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1538-3, 2276-3A, 2396-3, 3468-3, 4195A-3, 5737-3, 7424-3, 7425-3 & 7427-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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