

Considered: _____

WATER PERMIT NO. 470A-3

Phone: 605 596-4168

Name of Applicant: Bruce MacNeill

Post Office Address: RR 1, Box 73, Tulare SD 57476

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

Source of Water Supply: groundwater

Water to be used for: irrigation County: Spink

About 5 miles West of Tulare

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 4-11-89 Fee: 50.00 Remarks Helper well to

that authorized by WR 470-3 and to correct location of existing well

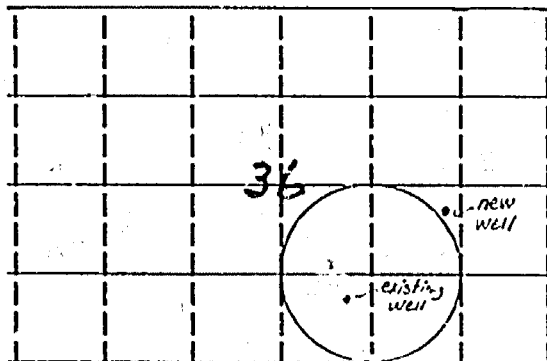
Corrected Application Received _____ Period of Annual Use April 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED 8-27-91 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NE 1/4 SE 1/4 Sec 36-T115N-R65W

Land to be Irrigated: SE 1/4 Sec 36-T115N-R65W

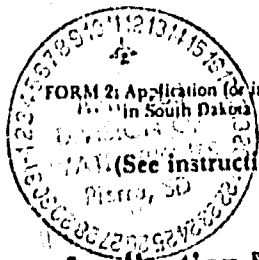


Well Log: Driller: Pullman Drilling Licensed YES X NO _____

Depth of Well: 130' REMARKS _____

Type of Map: aerial PREPARED BY: Elmer M Ward, SCS Reviewed and the Number

Assigned on 8-27-91 By Karen Schlaak



FORM 2: Application (or irrigation (type or print))

In South Dakota

(See instructions)

No. 470A-3 Hydrologic Unit 10160009
Basin James River
Newspaper The Redfield Press, Box 440, Redfield

(Wed) 57469

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

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

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

1. Name of Applicant Bruce MacNeill Phone No. (605) 576-4168

Post Office Address Rt 1 B-73 Redfield State SD Zip Code 57476
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s) 450 Total acres irrigated 130 (no add'l)

3. Source of Water supply groundwater - helper well

4. Location of point of diversion NE 1/4 SE 1/4 36-115-65 Spink Co.

5. Counties where water will be used Spink

6. Annual period during which water is to be used April 1 - Oct 31

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

Land Description	No. Acres Irr.
<u>NE 1/4 SE 1/4 115</u>	<u>32.5</u>
<u>SE 1/4 SE 1/4 36-115-65</u>	<u>32.5</u>
<u>SW 1/4 SE 1/4</u>	<u>32.5</u>
<u>NE 1/4 SE 1/4</u>	<u>32.5</u>

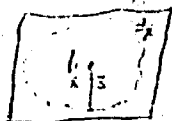
Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: L Gun: _____ Other: _____ (Specify)

9. Crops to be Irrigated: Corn

10. Give a description of proposed project. (Attach sheet if more space is needed)



1. MAIN WELL
2. NEW DRY WELL
3. CENTER 4 INCH

This application is for a helper well to the well authorized by Water Right No. 470-3 and is to correct the location of the well authorized by Water Right No. 470-3.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Spink)⁵⁵

I, Bruce MacNeill, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed, Bruce MacNeill

Subscribed and sworn to before me this 10th day of April, 1989

E. Daniel Berger
Notary Public

4-87 Check enclosed 5/9/91

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 136'
- b) Casing Type PLASTIC Diameter 16" Thickness 1/4"
- c) Screen Type SLT-057 Diameter 16" Thickness 1/2"
- d) Gravel Pack Thickness 4" Length of Gravel Pack TOTAL LENGTH
- e) Depth to Top of Water Bearing Material 76'
- f) Depth to Water (ground surface to water level) 28'
- g) Distance to nearest existing domestic well: 3/4 mile
- On applicants property YES On property owned by others _____

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter: _____

f) Secondary Spillway Capacity _____
 Spillway width _____

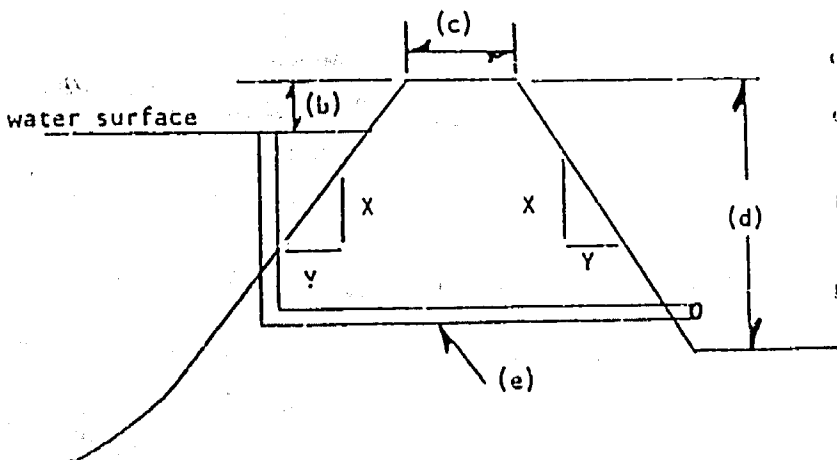
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Bruce MacNeil
 Signature of Applicant
of Lakeland

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 470A-3

(1) Bruce MacNeill of RR 1, Box 73, Tulare, SD 57476 made Application No. 470A-3, April 11, 1989 for a water permit to appropriate no additional cubic feet of water per second from groundwater, Spink County, South Dakota for irrigation purposes. Permit No. 470A-3 with a priority date of April 22, 1957 was approved April 21, 1992 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 470A-3 authorizes an additional diversion point and corrects the location of an existing well covered under Water Right No. 470-3. No. 470A-3 did not authorize an increase in the diversion rate or acres irrigated.

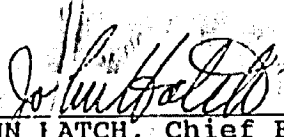
The applicable portions of Water Permit No. 470-3 are incorporated into this Water License No. 470A-3.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.56 cubic feet of water per second for beneficial use. The location of the diversion points are: 1,250 ft. E and 840 ft. N of the S 1/4 corner (replacement well); and 400 ft. S. and 200 ft. W of the E 1/4 corner (new well); both in Section 36, T115N, R65W.

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

T115N, R65W Section 36	NW 1/4 SE 1/4	34 Acres
	NE 1/4 SE 1/4	34 Acres
	SW 1/4 SE 1/4	34 Acres
	SE 1/4 SE 1/4	34 Acres
	Total-----	136 Acres

(4) Pursuant to Section 46-5-30.1 Bruce MacNeill of RR #1, Box 73, Tulare, SD 57476 the holder(s) and/or owner(s) of Incorporated Water Permit No. 470A-3 is issued a license to appropriate water, the right to use 1.25 cubic feet of water per second from groundwater (two wells) with a priority date of April 22, 1957 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 470A-3 and subject to South Dakota State Law.

 AUG 18 1992
JOHN HATCH, Chief Engineer
Water/Rights Division
Department of Environment and
Natural Resources

SOUTH DAKOTA
WATER PERMIT No. 470A-3 FOR IRRIGATION

Date of first receipt of application April 11, 1989.
Date Soil/Water Compatibility Permit received August 27, 1991.
Date of return to applicant for corrections, amendments or changes April 17, 1989.
Date of receipt of corrected application February 18, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 470A-3 to Bruce MacNeill, RR 1, Box 73, Tulare SD 57476 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. 470A-3 is to add a diversion point and correct the location of an existing well. Water Right No. 470-3 appropriated 2.25 cubic feet of water per second (cfs) from one well 161 feet deep to irrigate 160 acres. An inspection found 136 acres being irrigated from a well with a diversion rate of 1.56 cfs and a replacement well used as a standby source. The original well was located in the SE 1/4 SE 1/4 and the irrigated acreage is located in the SE 1/4; all in Section 36-T115N-R65W. The well has since been replaced. The correct location of the replacement well is the SW 1/4 SE 1/4 Section 36-T115N-R65W. This permit proposes to add one well (Tulare-Western Spink Aquifer) 130 feet deep located in the NE 1/4 SE 1/4 Section 36-T115N-R65W. This permit does not authorize any increase in the diversion rate or acres irrigated. The combined diversion rate from both wells may not exceed 1.56 cfs.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is April 22, 1957.
4. The date of approval of Permit No. 470A-3 is April 21, 1992.
5. 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 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.

(continued)

Water Permit No. 470A-
Page 2

2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. The combination of diversions from both wells authorized by Permit No. 470A-3 may not exceed 1.56 cfs.

WATER MANAGEMENT BOARD

By: John Hatch

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

AUG 18 1992

date

REPORT ON APPLICATION NO. 470A-3
for Bruce MacNeill
October 4, 1991

Application No. 470A-3 proposes to add a diversion point and to correct the location of an existing well. Water Right No. 470-3 appropriates 2.25 cfs from one well 161 feet deep to irrigate 160 acres. The well was located in the SE 1/4 SE 1/4 and the irrigated acreage is located in the SE 1/4; all in section 36, T115N R65W. This well has been replaced since Water Right No. 470-3 was licensed. The location of the new well is in the SW 1/4 SE 1/4 of section 36, T115N R65W. This application also proposes to add one well approximately 130 feet deep located in the NE 1/4 SE 1/4 of section 36, T115N R65W all in Spink County. This application, if approved, does not authorize any increase in the diversion rate or acres irrigated authorized by Water Right No. 470-3.

AQUIFER - TULARE WESTERN SPINK (T-WS)

The Tulare Western Spink is a buried glacial outwash (sand and gravel) under predominantly artesian (confined) conditions. The Tulare Western Spink underlies 72,300 acres and contains an estimated 270,930 acre feet of recoverable water in storage in Spink County (Hedges, 1982). The aquifer is hydraulically connected to the Tulare Hitchcock aquifer to the east and to the Tulare Hand aquifer to the west. According to the well log submitted with this application, the aquifer top is 76 feet below land surface and extends to 130 feet and has a static water level 28 feet below land surface. The report also indicates that the well is capable of producing 700 gpm.

The Division of Water Rights monitors 6 observation wells within 3 miles of this area. One well, SP-80R, is located within 1/2 mile of this application. Water levels for this well indicate fluctuation due to pumping which can approach 40 feet of drawdown and recovery annually. The water level record also indicates that the aquifer does recharge and is affected by climatic conditions, that is, rising during wet years and declining during dry years (Water Rights, 1991). Overall the record indicates that water is available for appropriation. Interference is occurring, but is not adversely affecting the aquifer.

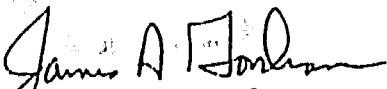
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing Water Right Nos. 471-3 and 960-3 located within 1 mile of this application. These have been in existence for many years with no apparent problems. Even though the water level record indicates that drawdown is occurring this should not be adverse. The water level fluctuation is only the artesian head and does not dewater any portion of the aquifer.

CONCLUSIONS

1. Water is available from the Tulare Western Spink aquifer.

2. The Tulare Western Spink aquifer is under artesian conditions and fluctuations due to pumping can be expected. The observation well record illustrates this. Interference should not adversely affect water availability from the aquifer. There have no complaints concerning this issue from this area.
3. The well log submitted for this application is completed in accordance with SD Well Construction Standards. No information is available for the other existing well.
4. This application requests no additional water or additional acres of irrigation. If approved, this system can be relicensed to reflect the actual conditions at present.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1991, Observation Well Records for the Tulare Western Spink Aquifer in Spink County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

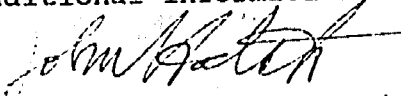
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 470A-3, Bruce MacNeill

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 470A-3, Bruce MacNeill, RR 1 Box 73, Tulare, SD 57476.

The Chief Engineer is recommending APPROVAL of Application No. 470A-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) in the public interest with the following qualifications:

1. 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.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. The combination of diversions from both wells authorized by Permit No. 470A-3 may not exceed 1.56 cfs.

See report on application for additional information,


JOHN HATCH, Chief Engineer
October 21, 1991



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

March 19, 1992

Bruce MacNeill
RR 1 Box 73
Tulare, SD 57476

Dear Mr. MacNeill:

Water Permit Application No. 470A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of The Redfield Press printed at Redfield, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 19, 1992

The Radfield Press
Box 440
Redfield, SD 57469

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 470A-3 to be published twice. Please publish the first notice on March 25, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Bruce MacNeill, RR 1 Box 73, Tulare, SD 57476.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on March 25, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 470A-3 to Appropriate Water
and to Amend Water Right No. 470-3

Notice is given that Bruce MacNeill, RR 1 Box 73, Tulare, SD 57476 has filed an application for a water permit to add a diversion point and correct the location of an existing well. Water Right No. 470-3 appropriated 2.25 cubic feet of water per second (cfs) from one well 161 feet deep to irrigate 160 acres. An inspection found 136 acres being irrigated from a well with a diversion rate of 1.56 cfs and a replacement well used as a standby source. The original well was located in the SE 1/4 SE 1/4 and the irrigated acreage is located in the SE 1/4; all in Section 36-T115N-R65W. The well has since been replaced. The correct location of the replacement well is the SW 1/4 SE 1/4 Section 36-T115N-R65W. This application also proposes to add one well (Tulare-Western Spink Aquifer) 130 feet deep located in the NE 1/4 SE 1/4 Section 36-T115N-R65W. This application, if approved, does not authorize any increase in the diversion rate or acres irrigated. The combined diversion rate from both wells may not exceed 1.56 cfs.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 470A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 13, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 470A-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 21, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the April 21, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 21, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 13, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Spink

SS



I, Walter M. Mandelstich, of said County and 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, INC., and has been such newspaper during the time hereinafter mentioned, and that I,

Walter M. Mandelstich, the undersigned, am a Notary Public in and for the State of South Dakota.

No. 5
**NOTICE OF HEARING
ON APPLICATION NO. 470A-3 TO
APPROPRIATE WATER AND TO
AMEND WATER RIGHT NO. 470-3**

Notice is given that Bruce MacNeill, RR 1 Box 73, Tulare, SD 57476 has filed an application for a water permit to add a diversion point and correct the location of an existing well. Water Right No. 470-3 appropriated 2.25 cubic feet of water per second (cfs) from one well 161 feet deep to irrigate 160 acres. An inspection found 136 acres being irrigated from a well with a diversion rate of 1.56 cfs and a replacement well used as a standby source. The original well was located in the SE 1/4 SE 1/4 and the irrigated acreage is located in the SE 1/4; all in Section 36-T115N-R65W. The well has since been replaced. The correct location of the replacement well is the SW 1/4 SE 1/4 Section 36-T115N-R65W. This application also proposes to add one well (Tulare Western Spink Aquifer) 130 feet deep located in the NE 1/4 SE 1/4 Section 36-T115N-R65W. This application, if approved, does not authorize any increase in the diversion rate or acres irrigated. The combined diversion rate from both wells may not exceed 1.56 cfs.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of the Application No. 470A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, and the Water Management Board will NOT

CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 13, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 470A-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 21, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the April 21, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the

hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 21, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 13, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to a Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02.01.01 thru 74:02.01:15.

(March 25, April 1)

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 _____ day
of April, 19 92.

Magaret Mandelstich
Notary Public, Spink County, South Dakota

(SEAL)

My Commission Expires July 10, 1996

Permit No. 470A-3
James River - Water District

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

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

I have this day made a thorough examination of the water use system constructed by Bruce MacNeill of RR 1, Box 73, Tulare SD 57576 holder of Permit No. 470A-3, bearing the priority of *April 22, 1957 authorizing the diversion of *2.25 cu. ft. per second of the waters of ground water - Tulare Western Spink aquifer for Irrigation purposes, in Spink County.

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

A. Works used to divert the water:

New Well:
Amarillo right angle
S.N. 174308
HP rating 60 at 1,760 rpm

Replacement Well:
Fairbanks - Morse (electric)
1,765 rpm
no plate on pump

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

1,850 feet of 8 inch PVC pipeline

C. Works used to apply water to beneficial use:

Lockwood 2200 series center pivot
8 towers
length approx. 1,280 feet

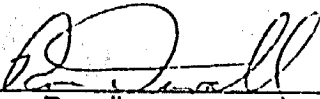
high pressure
capacity 700 gpm

The system is in the following condition good. The points of diversion are located 1,250 ft E and 840 feet N of the S1/4 corner (replacement well); 400 ft S and 200 ft W from the E1/4 corner (new well); both in section 36-T115N-R65W. The works are capable of diverting and conveying to the place of use 1.56 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:

NW1/4SE1/4 sec 36-T115N-R65W 34 ac SW1/4SE1/4 sec 36-T115N-R65W 34 ac
NE1/4SE1/4 sec 36-T115N-R65W 34 ac SE1/4SE1/4 sec 36-T115N-R65W 34 ac

comprising a total of 136 acres of land and the license should be issued for 1.56 cfs.

Applicable permit qualifications have been complied with: Yes X No
Exceptions to compliance are: none Date: February 5, 1992


Ron Duvall
Natural Resources Engineer
DENR, Water Rights Division

* The priority date is established under
No. 470-3 which is being incorporated into
No. 470A-3.

REPORT ON INSPECTION OF PERMIT NO. 470A-3 DATE: February 5, 1992

Other permit(s) associated with the project: Water Right No. 470-3

DIVERSION POINT LEGAL LOCATION: new well: 400 ft S and 200 ft W from E1/4 corner; replacement well: 840 ft N and 1,250 ft E from the S1/4 corner; both in section 36-T115N-R65W

WELL INFORMATION: Well Drilling Firm: new well - Pullman Drilling, replacement well - Empire Drilling

No. of Wells 2 Depth(s) new well - 130 ft, replacement well - 172 ft

- | | |
|--|--|
| a) Casing: 1) diameter <u>16 & 16</u> inches | b) Screen: 1) type <u>both plastic</u> |
| 2) length <u>90 & 52</u> feet | 2) length <u>40 & 120</u> feet |
| 3) type <u>Plastic & Fiberglass</u> | c) Pump new well 1) make <u>Amarillo</u> |
| d) Static Water Level <u>28 & unknown</u> feet | 2) model <u>right angle gear drive (PTO)</u> |
| e) Motor: | 3) serial no. <u>174308</u> |
| 1) make | 4) HP rating <u>60 at 1,760 rpm</u> |
| 2) model No. | 5) turbine pump - No. of stages |
| 3) horsepower rating hp | 6) operating pressure PSI |
| | c) Pump replac. well 1) make <u>no plate</u> |
| | 2) model |
| e) Motor: | 3) size inches |
| 1) make <u>Fairbanks - Morse (electric)</u> | 4) capacity GPM |
| 2) serial No. <u>F434306, 1,760 rpm</u> | 5) turbine pump - No. of stages |
| 3) horsepower rating hp | 6) operating pressure PSI |

DISTRIBUTION LINES OR CANALS:

- a) type PVC b) size 8 inches c) length 1,850 feet

SYSTEM TYPE:

- a) Center pivot:
- | | |
|-------------------------------------|-------------------------------------|
| 1) make <u>Lockwood 2200 series</u> | 6) high or low pressure <u>high</u> |
| 2) overall length <u>1,280</u> feet | 7) Capacity <u>700</u> gpm |
| 3) number of towers <u>8</u> | |
| 4) distance between towers feet | |
| 5) end gun <u>Y</u> (Y/N) | |

CHEMIGATION EQUIPMENT:

a) does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y Replacement well is within 2,000 feet of abandoned well which predates S/W statutes
- b) Special qualifications to permit being abided by none
- c) All structures, wells and lands on map Y
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period correction of licensed permit

Comments:

The abandoned well has a piece of sheet metal and pipe covering the well. The well should either be plugged or temporarily capped if the well is to be used in the future.

FILE DOCUMENTATION

NAME: Bruce MacNeill
RR 1, Box 73
Tulare SD 57476

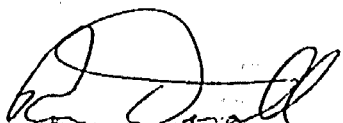
DATE: February 18, 1992

SUBJECT: Water Permit Application No. 470A-3

On February 4, 1992, I spoke with Bruce MacNeill via phone concerning Water Right No. 470-3 and the additional well now being used. According to Mr. MacNeill a pivot system has been installed and the corners are no longer being irrigated. Mr. MacNeill indicated that the system probably was never capable of producing the 1,000 gpm specified on the license for No. 470-3. The capacity of the original well declined and was replaced with a well in the SW1/4 SE1/4 and a third well in the NE1/4 SE1/4 has been drilled due to a declining yield the second well. Currently, the well in the NE1/4 SE1/4 produces 700 gpm and the well in the SW1/4 SE1/4 produces 400 gpm. The center pivot operates on 700 gpm and is currently using only the well in the NE1/4 SE1/4. However, Mr. MacNeill believes the capacity of the new well will begin declining and the 400 gpm well will be needed to maintain 700 gpm. The motor is mounted on the 400 gpm well.

The irrigation project was inspected on February 5, 1992. The original well in the SE1/4 SE1/4 appears to be abandoned and should be plugged. A metal sheet has been placed over the casing and is held in place by a short section of irrigation pipe. Standing water is visible in the well.

A water right may be amended to add a diversion point and retain the original priority date if neither the diversion rate nor volume of water increases and existing rights are not impaired. In this case, the acres being irrigated have been reduced from 160 acres to 136 acres and the diversion rate is less than the licensed diversion rate of 1,000 gpm. As noted earlier, the licensed diversion rate is likely high; however, the current use of 700 gpm does not exceed the statutory diversion rate for irrigation of 136 acres (870 gpm.) Forfeiture of the diversion rate to some amount less than 700 gpm has not occurred since efforts have been made to maintain the historical diversion rate. This effort is demonstrated by the construction of additional wells.



Ron Duvall, Natural Resources Engineer

470A-3

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 24, 1989

Bruce McNeill
RR 1, Box 73
Tulare SD 57576

Dear Mr. McNeill:

Well drillers reports filed with this office by Pullman Well Drilling indicates you have recently completed two new wells. The well driller is required by South Dakota Codified Laws (SDCL 46-6-11) to file a well construction report within 30 days of completion.

The purpose of the enclosed "Summary of South Dakota Water Law and Water Right Information" is to provide general information and to inform you of the responsibilities you have incurred. Specifically:

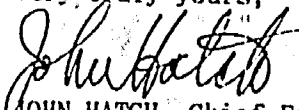
1. According to South Dakota Water Rights Law (SDCL 46-1-15, 46-5-9, 46-5-10), it is necessary to obtain a water permit to appropriate waters of this state. An exception to this requirement is for water used for domestic purposes. Domestic water uses that do not require a permit are listed under item 5 on the enclosed summary. Those activities that require permits are listed under item 7.
2. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned and must be plugged pursuant to SDCL 46-6-27. Other abandoned wells must also be plugged.
3. If the old well is not to be abandoned, or will be used, the well must be sealed or capped at the surface pursuant to SDCL 46-6-27.

Based upon the information we have, you may need a water permit. Since we have no record of a water permit for this well, I am enclosing application forms and an instruction sheet for preparing a water right permit application.

Please complete the application and submit it with the required fee to the "Water Rights Division, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501" by April 14, 1989.

If you have questions or need assistance contact Susan Bowar, Water Rights Division Engineer (605-773-3352).

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

cc: well driller

enclosure

Water Rights Division - DWNR
Conversation or File Documentation

File No. 4701A-3

NAME OF PERSON OR FILE: Bruce MacNeill

ADDRESS: RR1 Box 73 Tulare, SD COUNTY Sprint

DATE: March 30, 1989 TELEPHONE 596-4168

RE: Letter acknowledging well log/need to get permit

COMMENTS:

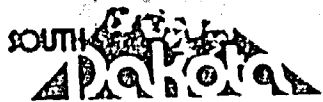
Mr MacNeill called today regarding the 2/24/89
letter he received. The new well that was drilled
is for a "helper" well and the existing well is
not plugged. Actually, the new well has replaced
the old one and the old one has become the
"helper" well. He will send the application forms.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: Laura Brown

470A-3



Department of Water & Natural Resources

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

April 17, 1989

Bruce MacNeill
Route 1, Box 73
Tulare, SD 57476

Dear Mr. MacNeill:

This letter is in response to the water permit application received from on April 11, 1989. The application is not complete for the following reason(s):

- (1) A map showing the location of the land being irrigated and both wells needs to be submitted. It must be signed by a South Dakota Licensed Land Surveyor, a South Dakota Registered Engineer, or by a government employee who normally prepares maps as part of his duties (ASCS or SCS).

In addition, it is my understanding that the new well has replaced the existing well and the existing well has become a helper well. It was also my understanding that no water in addition to that appropriated by Water Right No. 470-3, a copy of which is enclosed, is requested. Based on these assumptions, I will change No. 2 on your application form, a copy of which is also enclosed, to "no additional" unless I hear differently from you.

Please note that it may be necessary to obtain a Soil/Water Compatibility Permit from the Department of Agriculture. After we receive a complete application, we will forward a copy of your application to the Department of Agriculture.

The Water Management Board cannot consider a water permit application until it is complete. Please submit the required signed map to begin the processing of your water permit application.

Feel free to contact me if you have any questions.

Sincerely,

Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures



Water Rights Division - DWR

File No. 470A-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Bruce MacNeillADDRESS: RR1 Tulare, SD 57476 COUNTY SpinkDATE: April 24, 1989 TELEPHONE 596-4168RE: The location of the existing well

COMMENTS:

Upon reviewing the file for Water Right No. 470-3, I found that the ^{location of the} well authorized did not match the ^{location of the} existing well as shown on the map that was submitted. I called Mr. MacNeill who explained that the well shown on the map was a replacement well drilled approx. 8-10 years ago. The former well was plugged. I told Mr. MacNeill that I would adjust the application to reflect a change in the location of diversion as well as the helper well he applied for.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: Susan Baker



470A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 12, 1992

Bruce MacNeill
RR 1, Box 73
Tulare SD 57476

Dear Mr. MacNeill:

On February 5, 1992, I inspected your irrigation system located in the SE 1/4 Section 36-T115N-R65W. Water Permit No. 470A-3 has been approved and the water license can be issued for Nos. 470-3 and 470A-3. I need the following information to complete the licensing:

1. The questions highlighted in red on the enclosed worksheet should be completed if possible. Please indicate if a well log is available for the well drilled by Kretzschmar (well located south of pivot center). *According to enclosed logs, well drilled by Empire*
2. The size and type of the pipeline from the wells to the center pivot. I can get the length from the map assuming the pipeline runs directly from the two wells to the center pivot.

Water Permit No. 470A-3 will be sent to you at a later date. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of the enclosed worksheet and \$50 license fee, the Water License will be issued.

Please contact me if you have any questions.

Sincerely,

Ron Duvall

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosure

*Dear Ron, The first time
running down log on well 5 of
Pivot as Empire drilling had changed hands
a couple of times. Records were finally located at
Pullman's drilling at Watery. Check for fifty dollars
is enclosed. Get in touch with me, if this doesn't
confuse you enough I'll try to do better next time
Sorry for the delay Sincerely Bruce MacNeill*

South Dakota



GREAT FACES. GREAT PLACES.

AUG 18 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

470A-3

Bruce MacNeill
RR 1, Box 73
Tulare, SD 57476

Dear Mr. MacNeill:

Enclosed is Water Permit and Water License No. 470A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413279 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

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. 470A-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.

Very truly yours,

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

enclosures

NOTE: The applicable portions of Water Right No. 470-3 have been incorporated into Water License No. 470A-3.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413279

Pierre, July 2, 1992

RECEIVED OF Bruce Mac Neill, RR 1 Box 73, Tulare, SD 57476

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>470A-5</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

John Nadel
Chief Engineer

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 14, 1989

RECEIVED OF Bruce Mac Neill, RR #1, Bulare, SD 57467

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

Fee for Application for Permit No. 470A-3 to Appropriate Water, to construct works and to put water to beneficial use

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____
(Any Other Work Provided by Law)

Total

50 00

50 00

By

John H. Hara
Chief Engineer John H. Hara



SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

470A-3
1536

WR#

OWNERS NAME: BRUCE MAC GILL OWNERS ADDRESS: Route 1 Box 73
Tulare, SD 57476

COUNTY LAND LOCATED IN: SWICK PHONE: 596-4138

LEGAL DESCRIPTION: N04 S04 36-T115N-R65W ☒ Well ☐ Surface
1. LOCATION _____
Depth _____

Legal Description	Acres	Legal Description	Acres
N04 S04 36-T115N-R65W	32.5		
S04 S04 36-T115N-R65W	32.5		
S04 S04 36-T115N-R65W	32.5		
N04 S04 36-T115N-R65W	32.5		

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

3. CROPS TO BE IRRIGATED: CORN

WATER QUALITY:

4. WATER SAMPLE NUMBER: <u>91-0363</u>	7. ADJUSTED (SAR): <u>3.50</u>
5. SALINITY (EC X 10%): <u>1150</u>	8. PERCENT SODIUM: <u>23.58</u>
6. SODIUM (SAR): <u>1.37</u>	

Requirements:

Director, Division of Conservation

AUGUST 19, 1991

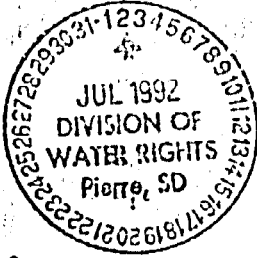
Date

XXX APPROVED _____ REQUIREMENTS

DISAPPROVED

WAIVER

Soil/water permits will be recorded by the Department
of Agriculture, with the County Register of Deeds.



EMPIRE

IRRIGATION DRILLING CO., INC.

470A-3

R.R. 1

Frankfort, South Dakota 57440

#ER-141
Phone 472-0384

SOLD

TO

Bruce MacNiell

Tulare, South Dakota 57476

• Job Location

• SE 36-115-65 - Spink

Job Date May 26, 1977		Foreman Richard X. Vig	
Terms Net 10 Days		Invoice Date June 8, 1977	
Quantity	Description	Unit Price	Net Amount
172'	Drilling Bore For Casing, 16"	\$ 26.00	\$ 4,472 00
52'	Casing, Fiberglass, 16"	26.00	1,352 00
120'	Screen, Fiberglass, 16"	26.00	3,120 00
	Gravel Pack, Lump Sum		740 96
	Slush Pit		60 00
	Blind Casing		60 00
	Loader Time		30 00
			\$ 9,834 96
	2% Tax - Materials		105 45
	Total Invoice		
			\$ 9,940 41
Thank you for your continued interest in our company. If we can be of service to you in the future, please feel free to contact us. Ron Wipf - President Allen Wipf - Sec. Treas. PAID Check No. _____ Date Paid <u>2-26-82</u> 1% Service Charge after 10 days - per 30 day period.			

470A-3

EMPIRE

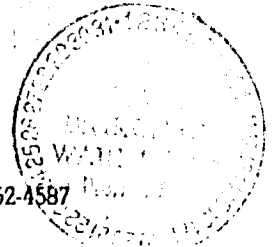
IRRIGATION DRILLING CO., INC.

Highway 14 East

P. O. Box 1252

Huron, South Dakota 57350

Ph. 352-4587



DRILLING REPORT

Location of Well: 1/4 Sec. E. 1/4, Section 36, Township 115, Range 65
 Well to be drilled for: House Mrs. Hill (Name) Hill (Address)
Spink (County) S.D. (State)
 Date well drilling started 5-19-77 finished 5-26-77
 Purpose of well Irrigation well
 (domestic, irrigation, industrial, other)

Depth 172 ft. Casing Diameter 16" inches
 Bit Size 16" Screen Size 16"
 Screen Depth: From 52 ft. to 172 ft.
 Remarks: Drilling log

NORTH				

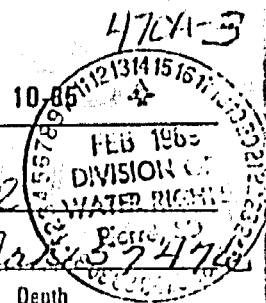
1 Mile

REPORT OF FINAL PUMPING TEST				
Write Additional Times and Readings on Back of Page				
Date				
Elapsed Time From Start of Pumping		Water Level		Discharge
0 hr.	0 min.	ft.	in.	(Static)
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	RECOVERY

Formations: Clay, Silt, Sand, Gravel, Color, Hard or Soft, etc.	Depth (ft.)		Formation (Continued)	Depth (ft.)	
	From	To		From	To
top soil	0	2			
fine sand	2	11			
yellow clay	11	15			
blue clay w/ gravel	15	30			
blue clay	30	55			
gravel & sand	55	74			
clay & gravel	74	82			
gravel	82	88			
clay	88	118			
sand	118	137			
clay	137	140			
fine sand w/ clay	140	160			
sand	160	172			
Richard A. Hig	6	Bill & Scott			
0	76	76-172			

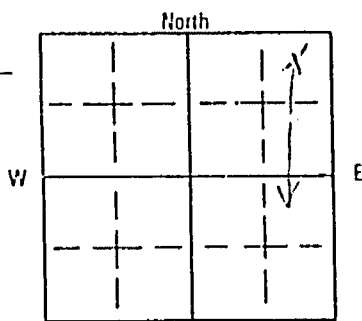
J.H.

SOUTH DAKOTA WATER WELL COMPLETION REPORT



Location NE 1/4 Sec 136 Twp 119 N Rg 65 W

County Spink



Please mark well location with an "X"

Well Owner:

Name Bruce McNeill

Address Gulare, S. Dak.

Well Log:

Depth

Formation

From

To

Top soil w/ yellow clay	0	15
Blue clay	17	40
Rocky blue clay	40	50
Blue clay w/ gravel streaks	50	76
Coarse sand w/ gravel	76	110
Med. sandy gravel	110	120
Med. fine sand	120	130

Well Completion Date 5-30-88

PROPOSED USE:

- ☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
16	16	0	90	25

STATIC WATER LEVEL 28 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

GROUT:

Was the well grouted? ☒ YES ☐ NO

To what depth? 50 FEET

What is grouting material? Cement + Bentonite

If cement, number of sacks? 50

Describe grouting procedure None

What was grout weight? _____ LB/GAL

WELL TEST DATA:

☒ Pumped

☐ Bailed

☐ Other

Describe: 700 GPM Turbine

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative:

Ralph Pullman

Signature of Well Owner:

Date 2-10-89

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☐ YES ☒ NO

Explain _____

Bacteriological analysis: ☐ YES ☒ NO

Laboratory sent to _____



470A-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

January 14, 2004

NOTICE**TO:** WAYNE BINGER, RENTER, 37923 183RD ST, TULARE, SD 57476 7000**FROM:** Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program**SUBJECT:** Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 470A-3, 471-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 471-3 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) 470A-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 470A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 471-3 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 on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

KEITH MEYER, 136 NAVARRE ST, ROSSVILLE, KS 66533

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.



470A-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 7735

Your item was delivered at 11:54 am on January 15, 2004 in TULARE, SD 57476. The item was signed for by D BINGER.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)

Copyright © 1999-2002 USPS. All Rights Reserved. Terms of Use Privacy Policy

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 7735

WAYNE BINGER, RENTER
37923 183RD ST
TULARE SD 57476 7000

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

☐ Priority Mail®
☐ Package Services



470A-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0032

Your item was delivered at 9:43 am on January 21, 2004 in ROSSVILLE, KS 66533. The item was signed for by J MEYER.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)

POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)

Copyright © 1999-2002 USPS. All Rights Reserved. Terms of Use Privacy Policy

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0032

KEITH MEYER
136 NAVARRE ST
ROSSVILLE KS 66533

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

☐ Priority Mail®
☐ Package Services

470A-3



Strategic Integrated Communications
NEW YORK • SAN FRANCISCO

Sorry - I'm late on
this survey. The letter
got dropped behind the
desk & I just found it.

Sorry Again

Wayne.

RECEIVED

JAN 14 2004

WATER RIGHTS
PROGRAM



470A -3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2004

470A-3
471-3

Wayne Binger
37923 183rd St
Tulare SD 57476-7000

Dear Mr. Binger:

I am writing to acknowledge receipt of the 2003 irrigation questionnaires for Water Right Nos. 470A-3 and 471-3. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 470A-3 and 471-3.

Your questionnaires and the Notices we sent out crossed in the mail and I am writing to let you know that we have what we need on file and the matter has been deleted from the agenda.

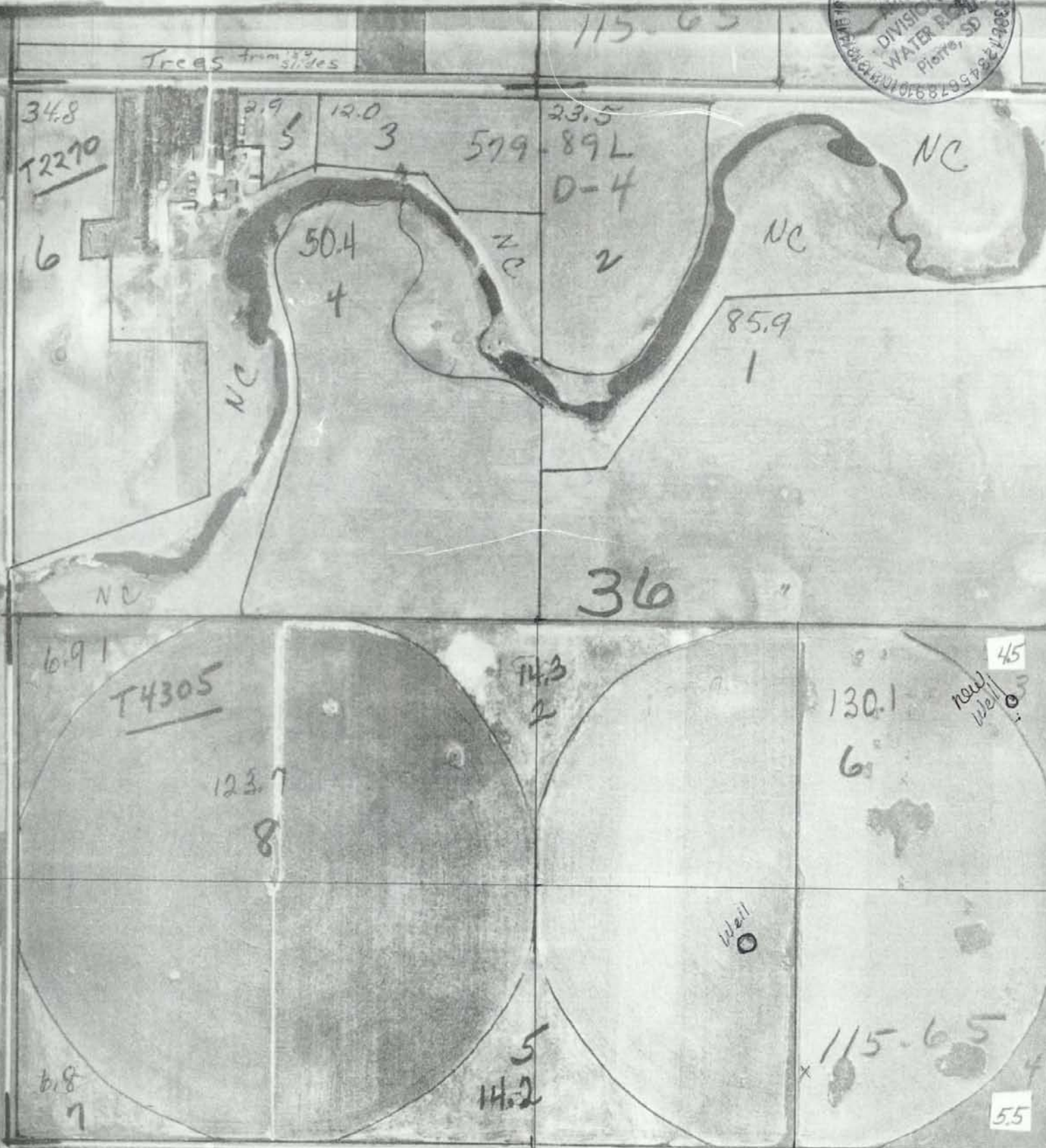
If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

c: Keith Meyer

NOT TO SCALE



Appl. No. 470A-3

Elmer M. Ward
District Conservationist
SCS



Don Carroll
Natural Resources Engineer
2/5/92

470A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 5, 2007

470A-3
471-3

Wayne Binger
37923 183rd St
Tulare SD 57476-7000

Dear Mr. Binger:

Thank you for the prompt return of the 2007 irrigation questionnaires for Water Right Nos. 470A-3 and 471-3. On the forms you indicated that you were the owner of the property and not the renter. The water rights are currently listed in the name of Bruce MacNeill, Tulare SD.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (**total of \$5.00**). The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

RECEIVED

NOV 14 2007

WATER RIGHTS

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

NOV 14 2007

WATER RIGHTS
PROGRAM

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

No. 470A-3

Date: _____

I/We request that Water Right No. 470A-3

formerly owned by: Bruce MacNeill

be transferred to: (name & address) Wayne Binger, 37923 183rd St, Tulare SD 57476-7000

Telephone No. 605 596-4352

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

136 acres – SE ¼ Section 36, T115N, R65W

I/We understand that the validity of Water Right No. 470A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Wayne Binger, the new owner, certify that the above information is true and correct.

Wayne Binger
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/14, 20 07

RECEIVED OF Wayne Binger 37923 183rd St Tulare SD 57476

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 470A-3		
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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No.

03203

By

Richard E. Schuler

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 15, 2007

470A-3
471-3

Wayne Binger
37923 183rd St
Tulare SD 57476-7000

Dear Mr. Binger:

I am writing to acknowledge receipt of the ownership changes you submitted for Water Right Nos. 470A-3 and 471-3. The transfers have been completed. The water rights formerly held by Bruce MacNeill are now listed in your name.

Enclosed are Receipt Nos. 03203 and 03204 in the amounts of \$2.50 each. You may keep these for your records.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



470A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 25 2020

470A-3
782A-3
7551-3

Wayne Binger
37923 183rd St
Tulare SD 57476

Dear Mr. Binger:

Enclosed are Water License Nos. 782A-3 and 7551-3. They are the final water right document completing your process of obtaining Water Rights. Included with each license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

The staff engineer noted in his report that chemigation is used however the equipment was not present at the time of the investigation. Please ensure that a low pressure drain outlets at least 20 feet from the water source when you are applying chemicals or fertilizer through the systems.

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,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

Enclosures

Note: Upon licensing, the applicable portions of Water Right No. 470A-3 were incorporated into No. 7551-3.