

WATER PERMIT NO. 472A-3

Name of Applicant: **Brett, Darin and Chad Binger**

Address: **38270 182nd St, Tulare SD 57476**

Phone: **605 596-4283**

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**

Type of Waste Disposal System:

Location: **4 miles southwest of Tulare**

PRIORITY Date Received: **11-21-06**

Application/License Fee: **\$100**

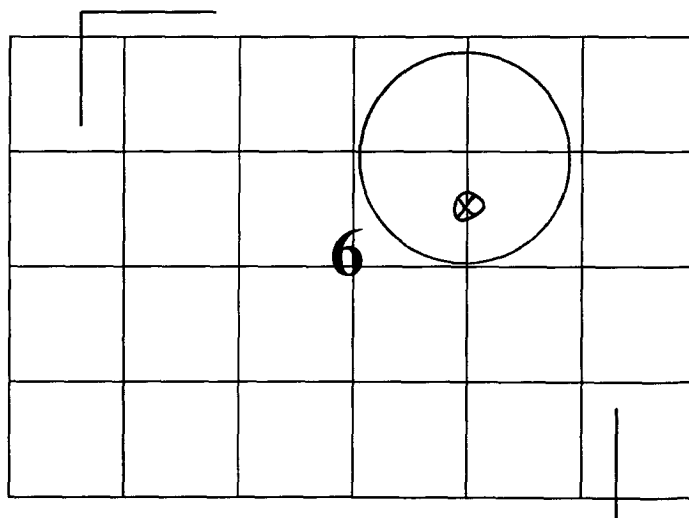
Corrected Application Received: **12-04-06**

Period of Annual Use: **April 1 – Oct 31**

Remarks: **Proposes to transfer irrigated acres and diversion point to other land**

Diversion Point: **S ½ NE ¼ Sec 6-T114N-R64W**

Land to be Irrigated: **NE ¼ Sec 6-T114N-R64W**



Depth of Well: **110 feet deep**

Well Driller: : **Pullman Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Shane Jordan, NRCS**

Reviewed and the Number Assigned on: **12-4-06**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>472A-3</u> (office use only) Hydrologic Unit <u>10160009</u>
	Basin <u>James River</u>
	Newspaper <u>Redfield Press Redfield SD</u>
	<u>605-42-0822</u> <u>57469</u>

RECEIVED
NOV 21 2006
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right ✓ Amendment/Correction to Permit No. 472-3
(Use predates Mar 2, 1955)

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

DARin & Chdd
1. Name of Applicant Brett A Binger Phone 605-596-4283
(check one) ✓ Owner Tenant/lessee
Mailing Address 38270 182nd St Tulare State SD. 57476
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 2.25 *CFS or **GPM ***AF Total Acreage
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Ground water

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in
S 1/2 of NE 1/4 sec 6 114-64
County Spink

5. County or counties where water will be used Spink

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

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

Land Description	Acres	Land Description	Acres
NE 40 of NE 1/4 sec 6 114-64	35		
NW 40 of NE 1/4 sec 6 114-64	35		
SW 40 of NE 1/4 sec 6 114-64	35		
SE 40 of NE 1/4 sec 6 114-64	35		

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

see attached sheet

STATE OF SOUTH DAKOTA) SS
County of Spink

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, Brett Binger, 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 Brett Binger

Subscribed and sworn to before me this 20th day of November 20 06

Carl D. [Signature]
Notary Public signature
Corn Expires 7-7-11

SOUTH DAKOTA
WATER PERMIT NO. 472A-3 FOR IRRIGATION

Date of first receipt of application November 21, 2006.

Date of return to applicant for corrections, amendments or changes November 28, 2006.

Date of receipt of corrected application December 4, 2006.

The Water Management Board approved Water Permit No. 472A-3 on March 7, 2007 for Brett, Darin and Chad Binger, 38270 182nd St, 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. 472A-3 amends Water Right No. 472-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 472-3 appropriates 2.25 cubic feet of water per second from one well located in the center of the SE ¼ Section 30 to irrigate 160 acres located in the SE ¼ Section 30; all in T115N-R64W. This permit authorizes moving the system approximately 1 ½ miles south with the well to be located in the S ½ NE ¼ Section 6 to irrigate 160 acres located in the NE ¼ Section 6; all in T114N-R64W. The water source for this irrigation system is the Tulare Western Spink 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 3 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. One-fifth of the construction is to be completed on or before September 7, 2009.
5. All construction is to be completed on or before March 7, 2012.
6. Water is to be put to beneficial use on or before March 7, 2016.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 472A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The approval of Permit No. 472A-3 withdraws deferred Water Permit Application No. 6361-3 from future consideration.
5. The well authorized by Water Right No. 472-3 and located near the center of the SE ¼ of Section 30-T115N-R64W is deemed abandoned and shall be plugged in accordance with South Dakota Well Construction Standards.

WATER MANAGEMENT BOARD

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

MAY 10 2007

date



Supplemental Information

(type or print in ink)

see attached Test hole
Info

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth 110
- b) Casing Type plastic Diameter _____ Thickness _____
- c) Screen Type plastic/stainless steel Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 28'
- g) Distance to nearest existing domestic well:

On applicants property 1/2 mile

On property owned by others 3/4 mile

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 _____

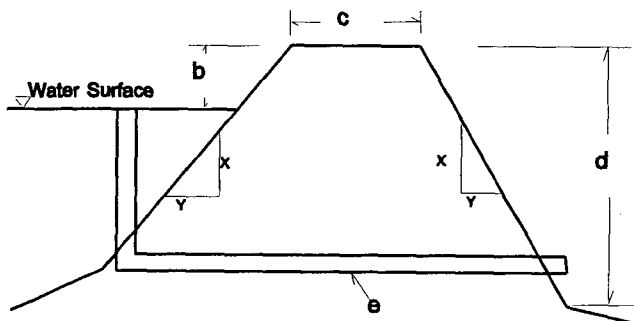
3. Dugout Information

- 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

PROJECT ACTION NOTES

Darin, Brett, Chad Binger

PROJECT PLANNING NOTES

1 WE would like to transfer
2 permit # 472-3 to Described land.
3 If we would get the transfer
4 we would construct a new center
5 pivot with a new well. The
6 current permit is on a 1/4 that
7 is currently Enrolled in CRP and
8 has a substantial Slough on East
9 1/2 that is very hard to farm
10 after the years of 92-95 so ~~my~~ my
11 dad Enrolled it in CRP. the CRP contract
12 Expires on oct 2009. It was enrolled
13 in 99. My Dad irrigated with tow
14 lines prior to CRP weather permitting.

2006

6842

T 946

NC

11

4.3

N HEL

10

27.6

N HEL

8

43.0

N HEL

6

112.6

Y HEL

7

10.0

N HEL

9

28.4

N HEL

5

44.4

N HEL

112M test well

T 950

1

25.1 N HEL

NC

NC

NC

7

80.3

Y HEL

NC

Shane Jordan
WPCS 1130-06

06-114-64

United States Department of Agriculture
Farm Service Agency

Spink County



January 12, 2006

1997 Digital Orthophotography - Not To Scale

PULLMAN DRILLING, INC. - DRILLER'S LOG

(605) 883-4532
1-800-451-4884

Darin Binger JOB NAME		LOCATION	DATE	RIG NO	FOREMAN
Lillard		472-3041	8-26-02		Paul Hoyer
JL No	DEPTH	TIME	REMARKS		
1	20		0-15 Yellow sand & gravel 15-20 Blue clay		
2	40		20-40 Blue clay w/ sand & gravel streaks & rocks		
3	60		40-47 Blue clay w/rocks 47-55 sand & gravel 55-58 Blue clay 58-60 Coarse sand		
4	80		60-75 Coarse sand & gravel 75-78 Blue clay 78-80 Coarse sand		
5	100		80-93 Blue clay 93-96 sand 96-100 Blue clay		
6					
7			3" well		
8			T.O. 80'		
9			20' .016 3" slotted		
10			60' 3" blank		
11			17' water head		
12					
13	20		0-12 Yellow sand 12-15 Yellow clay 15-20 Blue clay w/rocks		
14	40		20-40 Blue clay w/ sand streaks		
15	60		40-60 Blue clay w/ sand streaks & rocks		
16	80		60-76 Blue clay w/ sand streaks 76-80 Coarse sand		
17	100		80-89 Blue clay 89-100 Coarse sand w/ 2' clay break		
18	110		100-107 Coarse sand 107-110 Blue clay		
19			500 6 114-64 5 1/2 of NE 1/4		
20			3" well		
21			T.O. 110'		
22			20' .016 3" slotted		
23			90' 3" blank		
24			water head 28'		
25					
26	20		0-5 Yellow clay 5-10 Yellow sand 10-18 Yellow clay 18-20 Blue clay		
27	40		20-40 Blue clay w/ sand streaks & rocks		
28	60		40-56 Blue clay w/rocks 56-60 sand		
29	80		60-80 Blue clay w/ sand streaks		
30	100		80-100 Blue clay w/ sand streaks & rocks		
31					
32			Dry hole		
33					

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December-4 12/4/, 20 06

RECEIVED OF Binger Farms, 38270 182nd Street, Tulare SD 57476

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

Fee for Application for Permit No. <u>472A-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>472A-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.

2658

By

Darland Elbe

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

November 28, 2006

Brett Binger
38270 182nd St
Tulare SD 57476

RECEIVED

DEC - 4 2006

**WATER RIGHTS
PROGRAM**

Dear Mr. Binger:

Thank you for submitting the *Application for a Permit to Appropriate Water* to change the location of the irrigation authorized by Water Right No. 472-3. In order to complete the application the following is required.

- A map showing the location of the well in relation to a government section corner or quarter corner by direction and distance is required. On the map, clearly mark the location of the well and outline the land to be irrigated. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).
- The application/license filing fee will be \$100.00.

Enclosed is the receipt for payment of the Notice of Transfer of Ownership fee for Water Right No. 472-3. Since the proposed application is amending the existing water right now listed in the names of Brett, Darin and Chad Binger, this application should include all three names. I have amended the application accordingly. If you disagree with this change, please let me know. You will be the contact person.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

Reported Water Use

01/26/2007

Permit No	Year	Name	Not Irrig	Not Constr
472-3	1983	KENNETHBRETHOUWER		
472-3	1984	KENNETHBRETHOUWER	X	NO reason
472-3	1985	TIM & SHIRLEY BINGER	X	Never used wells
472-3	1986	TIM & SHIRLEYBINGER	X	too wet
472-3	1987	TIM & SHIRLEYBINGER	X	NO reason
472-3	1988	TIM & SHIRLEYBINGER	X	NO reason
472-3	1989	TIM & SHIRLEYBINGER		irrigated
472-3	1990	TIM & SHIRLEYBINGER	X	NO reason
472-3	1991	TIM & SHIRLEYBINGER		X NO reason
472-3	1992	TIM & SHIRLEYBINGER	X	NO reason
472-3	1993	TIM & SHIRLEYBINGER	X	NO reason
472-3	1994	TIM & SHIRLEYBINGER	X	NO reason
472-3	1995	TIM & SHIRLEYBINGER	X	
472-3	1996	TIM & SHIRLEYBINGER	X	NO reason
472-3	1997	TIM & SHIRLEYBINGER	X	NO reason
472-3	1998	TIM & SHIRLEYBINGER	X	Wells not in use
472-3	1999	BRETTBINGER, RENTER	X	Abandoned
472-3	2000	BRETTBINGER, RENTER	X	80Acr CRP
472-3	2001	BRETTBINGER, RENTER	X	CRP
472-3	2002	BRETTBINGER, RENTER	X	CRP
472-3	2003	BRETTBINGER, RENTER	X	CRP
472-3	2004	BRETTBINGER, RENTER	X	CRP
472-3	2005	BRETTBINGER, RENTER	X	CRP

Appropriation date 1957

licensed 1958

2.25 cbs



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 472A-3, Brett, Darin and Chad Binger**

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. 472A-3, Brett, Darin and Chad Binger, 38270 182nd Street, Tulare SD 57476.

The Chief Engineer is recommending DENIAL of Application No. 472A-3 because pursuant to SDCL 46-5-36 and 46-5-37 the water right has been abandoned and forfeited for nonuse. This is based on the irrigation history which shows water has been placed to beneficial use in only one year since 1984 and statements that the well is abandoned and not in use.

See report on application for additional information.

Garland Erbele, Chief Engineer
January 30, 2007

NOTE : The Water Rights Program acknowledges the irrigated acreage has been enrolled in the Conservation Reserve Program (CRP) since October 1, 1999 which provides an exception to forfeiture for nonuse for the past seven years. However, prior to CRP enrollment periods of nonuse greater than 3 years exist which subject the water right to abandonment and/or forfeiture for nonuse.

Water Right No. 472-3 will be scheduled for cancellation at the same time Application No. 472A-3 is considered allowing the Board to make a determination on status of the water right.

REPORT ON WATER PERMIT APPLICATION NO. 472A-3
For Brett, Darin & Chad Binger
December 27, 2006

Application No. 472A-3 proposes to amend Water Right No. 472-3 transferring irrigated acreage and point of diversion to other lands. Water Right No. 472-3 appropriates 2.25 cfs (1,010 gpm) from one well approximately 80 feet deep located in the center of the SE $\frac{1}{4}$ of section 30 to irrigate 160 acres located in the SE $\frac{1}{4}$ of section 30, all in T115N R64W in Spink County. This application proposes to move the system approximately 1 $\frac{1}{2}$ miles south with the well to be located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ of section 6 to irrigate 160 acres located in the NE $\frac{1}{4}$ of section 6; all in T114N R64W. The water source remains the same (Tulare-Western Spink) and no increase in the diversion rate or number of acres irrigated is authorized by this application.

AQUIFER – TULARE WESTERN SPINK (T-WS)

The Tulare Western Spink is predominantly buried outwash (sand and gravel) that is under confined conditions in this area. The aquifer blends into the Tulare Hitchcock aquifer to the east. This fact does not matter because the Water Management Board considers both the Tulare Hitchcock and Tulare Western Spink aquifers equivalent for appropriation purposes. The Tulare Hitchcock underlies 96,000 acres and contains an estimated 360,000 acre-feet of recoverable water in storage in Spink County (Hedges, 1982). The Tulare Western Spink aquifer underlies 72,300 acres and contains an estimated 270,930 acre-feet of recoverable water in storage in Spink County (Hedges, 1982). The direction of ground water movement is from southwest to northeast across the area of this application (Hamilton, 1996). Recharge to the aquifer probably averages about 0.83 inches per year (Kuiper, 1984). A review of the status of water permits/rights, recharge rates and volumes, and general conditions of the ground water resources in Spink, Hand and Beadle Counties for the Tulare Hitchcock and Tulare Western Spink aquifers was presented at the December 4, 2002 Water Management Board hearing (Goodman, 2002). That report concluded that these aquifers may be fully appropriated based upon anticipated water use from both existing and undeveloped permits. As a result the Water Management Board deferred issuance of additional permits from either aquifer for a period of five years to allow for completed development of newly issued permits and for further evaluation. This five year period will be up in December of 2007 and a large group of deferred permit applications will be considered at that time.

The test well drilled for this application indicates sand and gravel from 89 feet to 107 feet below land surface with a depth to water of 28 feet. Looking at the available well data and aquifer mapping of the area indicates this site appears to be favorable for development. Both the Hedges and Hamilton reports indicate the area of this application is underlain by the aquifer.

The Water Rights Program monitors six observation wells within three miles of this application. Observation well SP-80R is located about one mile west of this application.

Observation well SP-80A is located about ¼ mile east of this application. Water levels for these observation wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. Hydrographs for these observation wells are included with this report (Water Rights, 2006).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are existing water rights/permits in the general vicinity of this application. Interference is not a major concern although it does occur. Drawdown is created by pumping as shown by the observation well hydrographs and can range from 30 to 40 feet in magnitude. This fact does not appear to be significant nor apparently cause adverse effects. The issue is not drawdown created by pumping but the overall effect of recharge rates to the aquifer and balancing this estimate with water use from the aquifer.

CONCLUSIONS

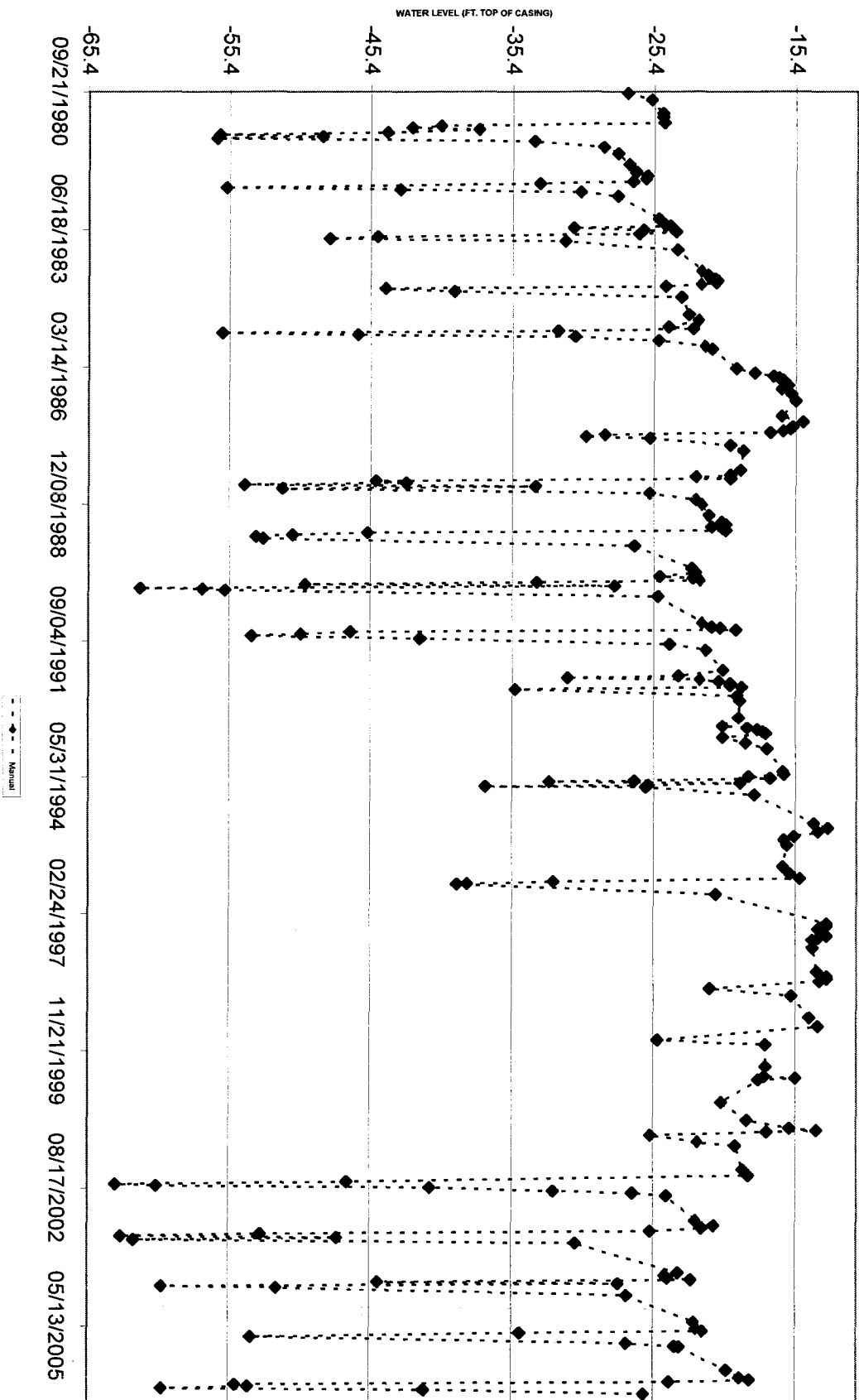
1. The Water Management Board has deferred permit applications from the Tulare Western Spink aquifer because of concerns that the aquifer may be fully appropriated based upon water use.
2. This application is simply a request to transfer acres authorized by Water Right No. 472-3. In order to transfer it must be determined if the Water Right is still valid. It appears from the irrigation questionnaire that the right has been forfeited for nonuse. There are many years of consecutive nonuse beginning in 1983. Also on the 1999 irrigation questionnaire the owner indicated the well was abandoned and irrigation not taking place. On that basis, this application should be denied and Water Right No. 472-3 cancelled.
3. It is the function of the Water Management Board to decide if this right is valid or not. If the right is valid then it can be transferred to the new acreage. At the time of the transfer water permit application No. 6361-3 must be either withdrawn by the applicant or denied by the Board because this transfer will occupy the same lands as the deferred application No. 6361-3.


James A Goodman
Natural Resources Engineer

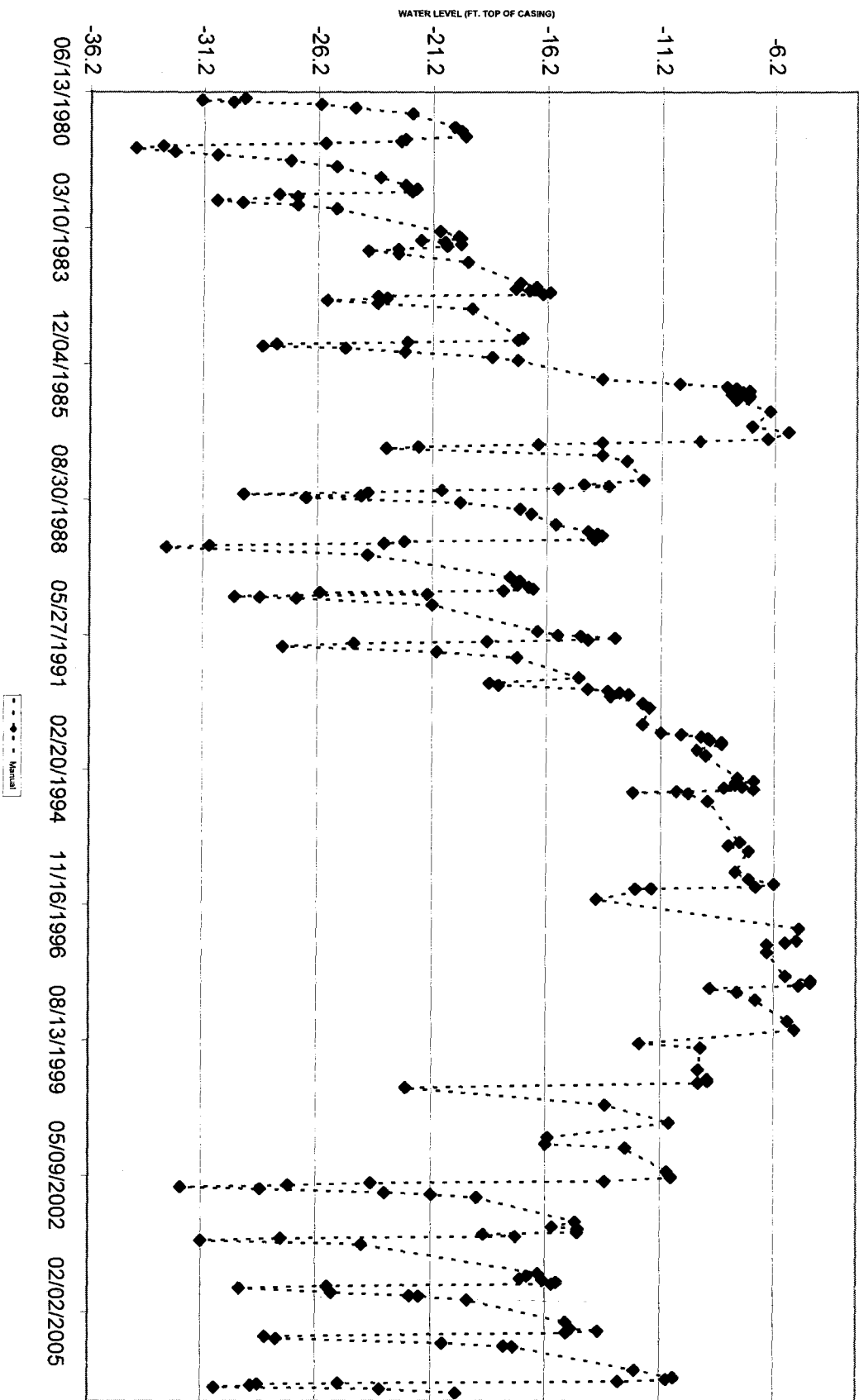
BIBLIOGRAPHY

- Goodman, J.A., 2002, Report on Water Permit Application Nos. 6330-3, 6331-3, 6332-3, 6336-3, 6337-3, 6338-3, 6339-3, 6340-3, 6344-3, 6345-3, 6446-3, 6348-3, 6353-3, for Water From the Tulare Hitchcock Aquifer and Water Permit Nos. 6333-3, 6334-3, 6347-3, 6351-3, 6352-3, for Water From the Tulare Western Spink Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.
- Hamilton, L.J, L.W. Howells, 1996, Water Resources of Spink County, South Dakota, WRI 96-4056, USGS, Rapid City, SD, 57702.
- Hedges, L.S., and others, 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.
- Kuiper, L.K., 1984, Appraisal of the Water Resources of the Eastern Part of the Tulare Aquifer, Beadle, Hand, and Spink Counties, South Dakota, WRI 84-4078, USGS, Huron, SD, 57350.
- Water Rights, 2006, Unpublished Observation Well Records for Spink County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL SP-80R



WATER RIGHTS: OBSERVATION WELL
SP-80A



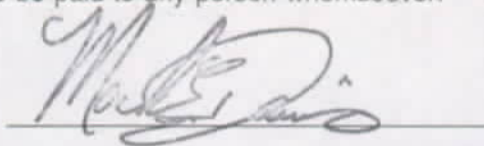
Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

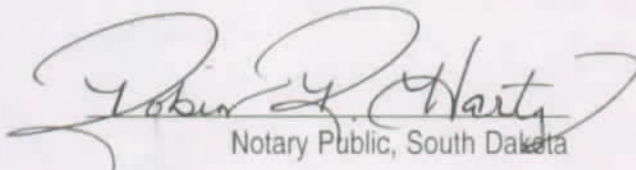
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield,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

566 Water Rights

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 Feb. 7th, 2007 and the last publication being made on Feb. 14th, 2007 that the full amount of Sixty Two and .81/100 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 14th day of Feb., 2007.


Notary Public, South Dakota

My commission expires 06/20/2012

Water Permit Hearing

#556

NOTICE OF HEARING ON WATER PERMIT APPLICATION NO. 472A-3 to TRANSFER LAND

Notice is given that Brett, Darin and Chad Binger, 38270 182nd St, Tulare SD 57476 have filed an application which requests to amend Water Right No. 472-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 472-3 appropriates 2.25 cubic feet of water per second from one well located in the center of the SE 1/4 Section 30 to irrigate 160 acres located in the SE 1/4 Section 30; all in T115N-R64W. This application proposes to move the system approximately 1 1/2 miles south with the well to be located in the S1/2 NE 1/4 Section 6 to irrigate 160 acres located in the NE 1/4 Section 6; all in T114N-R64W. The water source for this irrigation system is the Tulare/Western Spink Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

The Chief Engineer is recommending DENIAL of Application No. 472A-3 because pursuant to SDCL 46-5-36 and 46-5-37 Water Right No. 472-3 is subject to abandonment and forfeited for nonuse.

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 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 February 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.

The Water Management Board will consider Application No. 472A-3 at 11:30 AM on March 7, 2007, in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the application based on the facts presented at the public hearing. The March 7, 2007 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 applications. The request for an automatic delay must be filed by February 26, 2007.

RECEIVED

FEB 20 2007

WATER RIGHTS
PROGRAM

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 Eric Gronlund by February 26, 2007, at the above Water Rights Program address to request copies of information pertaining to the application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

The 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, 46-2A-20, 46-2A-21; 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; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

(Feb. 7, 14)





February 1, 2007

Redfield Press
PO Box 440
Redfield SD 57469-0440

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 472A-3 to transfer irrigated acres which is to be published twice. Please publish the first notice on February 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 Brett Binger, 38270 182nd Street, Tulare SD 57476.

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. 472A-3

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

Date _____

We are in receipt of your letter of February 1, 2007 enclosing Notice to transfer lands by Applications No. 472A-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

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

February 1, 2007

Brett Binger
38270 182nd Street
Tulare SD 57576

Dear Mr. Binger:

Water Permit Application No. 472A-3 to transfer irrigated land is ready for public notice.

The Chief Engineer's recommendation is for Denial of Application No. 472A-3. For your information, a copy of the notice to be published, the Chief Engineer's recommendation and staff report are enclosed. I am also enclosing a notice of cancellation scheduling this matter before the Water Management Board. This will allow both issues to be considered by the Board at the same time.

Please review the report and recommendation. If you wish to proceed with the application and schedule a March 7, 2007 hearing before the Water Management Board, you must contact the Redfield Press (605 472-0822) immediately to authorize publication of your notice of hearing. A copy of the notice was sent to the Redfield Press with instructions to publish only if you authorize publication.

If the notice is published on February 7 and 14, 2007, a hearing will then be scheduled at 11:30 AM, March 7, 2007 in the Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue in Pierre SD.

State Law provides that if the Chief Engineer recommends denial of an application, the applicant has 20 days from the date the recommendation was mailed to state whether they intend to oppose the recommendation. Failure to submit a statement of intent to oppose the recommendation to deny constitutes withdrawal of the application. Authorizing the newspaper to publish the notice constitutes your formal intent to oppose the recommendation. You may also choose to delay consideration of the application until the May 9th Board meeting. If you want to delay the hearing, do not authorize publication of the notice at this time. Contact me by February 20th to state your intent to proceed with the application but wait until the May meeting. Failure to either authorize publication or contact me by February 20, 2007 will constitute withdrawal of your application. In this event the Board will still conduct a hearing on the cancellation of Water Right No. 472-3.

Please contact me if you have any questions.

Sincerely,


Eric Gronlund

Natural Resources Engineer
(605) 773-3352

enclosures

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

NOTICE OF HEARING on WATER PERMIT APPLICATION NO. 472A-3 to TRANSFER LAND

Notice is given that Brett, Darin and Chad Binger, 38270 182nd St, Tulare SD 57476 have filed an application which requests to amend Water Right No. 472-3 by transferring the irrigated acreage and point of diversion to other land. Water Right No. 472-3 appropriates 2.25 cubic feet of water per second from one well located in the center of the SE ¼ Section 30 to irrigate 160 acres located in the SE ¼ Section 30; all in T115N-R64W. This application proposes to move the system approximately 1 ½ miles south with the well to be located in the S ½ NE ¼ Section 6 to irrigate 160 acres located in the NE ¼ Section 6; all in T114N-R64W. The water source for this irrigation system is the Tulare:Western Spink Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

The Chief Engineer is recommending DENIAL of Application No. 472A-3 because pursuant to SDCL 46-5-36 and 46-5-37 Water Right No. 472~~X~~-3 is subject to abandonment and forfeited for nonuse.

called 2/1/07. They will correct in second publication

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 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 February 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.

The Water Management Board will consider Application No. 472A-3 at 11:30 AM on March 7, 2007, in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the application based on the facts presented at the public hearing. The March 7, 2007 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 applications. The request for an automatic delay must be filed by February 26, 2007.

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 Eric Gronlund by February 26, 2007, at the above Water Rights Program address to request copies of information pertaining to the application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

The 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, 46-2A-20, 46-2A-21; 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; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.
Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 10 2007

472-3
472A-3

Brett, Darin & Chad Binger
38270 182nd St
Tulare SD 57476

Dear Sirs:

Enclosed is Water Permit No. 472A-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

Note: At such time, when Water Permit No. 472A-3 is licensed, the applicable portions of No. 472-3 will be incorporated into No. 472-3.

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2008

Brett, Darin & Chad Binger
38270 182nd St
Tulare SD 57476

Dear Sirs:

I am writing in regard to a well driller's report filed by Pullman Well Drilling. The report shows a new irrigation well was completed for Darin Binger on July 16, 2007. The report indicates the well is located in the NE ¼ NW ¼ Section 6-T114N-R64W.

A review of our files indicates that you hold Water Permit No. 472A-3 (which transferred irrigated acreage and point of diversion to other land) for a well to be located in the S ½ NE ¼ Section 6-T114N-R64W to irrigate 160 acres located in the NE ¼ Section 6-T114N-R64W. I am assuming this the well for Permit No. 472A-3? It is my understanding that you have had previous conversations with Eric Gronlund regarding efforts to obtain a satisfactory well to operate the center pivot.

It is important for us to maintain accurate records in this area. Please clarify the location of this well by contacting Eric Gronlund or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

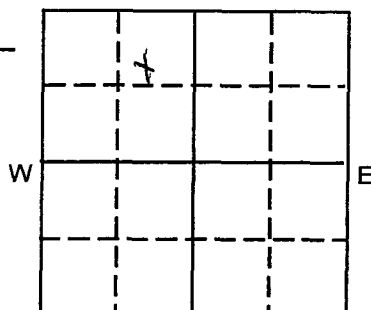
enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 6 Twp 114 Rg 64County
Spink

North

Please mark well
location with an "X"

Well Completion Date

7/16/2007

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? _____ ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	83.0 FT	24.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Cement		Lb/gal	0.0 Ft	10.0 Ft
Vol Clay		Lb/gal	10.0 Ft	65.0 Ft

Describe grouting procedure
Line

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 20.0 FeetMaterial PVCSlot Size .057 Set From 83.0 Feet to 103.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? Pea Rock

Describe packer(s) and location

@83

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____

☐ No, Why Not? _____
Lab sample sent to for
water quality analysisWell Owner: Darin Binger

Business Name: _____

Address: 37848 181st StCity, State, Zip: Tulare SD 57476

WELL LOG:

DEPTH

FORMATION	FROM	TO
Yellow Sand	0	8
Blue Clay	8	40
Gravel	40	45
Blue Clay	45	80
Coarse Sand	80	103

STATIC WATER LEVEL

20 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☒ Pumped Describe: w/air☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED
JAN - 2 2008
WATER RIGHTS
PROGRAM

RECEIVED
JAN - 2 2008
WATER RIGHTS
PROGRAM

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: _____

472A-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 472A-3, Brett, Darin & Chad Binger

ADDRESS: 38270 182nd Street, Tulare SD COUNTY: Spink County

DATE: February 4, 2008 TELEPHONE:

RE: letter sent on well completion report

COMMENTS:

Brett Binger called in response to the letter sent to him on January 25th regarding a well completion report submitted by Pullman Drilling. Mr. Binger indicated that his well was intended for Water Permit No. 472A-3, however, the well does not produce and will be plugged. He said they were perplexed why Pullman even cased the well.

Currently, they have another well drilling coming to drill test holes in hopes of finding a good well. Supposedly, the driller first wants to test pump this well. Mr. Binger stated that after that is done they will have this driller plug the well.

Once they find a good well he will contact me to get any permitting issues addressed with the location of the well.

NAME: Eve Henderson



March 25, 2008

472A-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

Brett Binger
Binger Farms
38270 182nd Street
Tulare SD 57476

Dear Mr. Binger:

I am writing in regard to the request filed to authorize changing the location of the well authorized by Water Permit No. 472A-3. This permit authorized transferring irrigated acres, diversion rate authority and changing the well location for Water Right No. 472-3. The permit currently appropriates 2.25 cfs from a well to be completed into the Tulare:Western Spink Aquifer located in the S ½ NE ¼ Section 6 to irrigate 160 acres in the NE ¼ Section 6, all in T114N, R64W.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change in the well location for Water Permit No. 472A-3 is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. The well authorized by Permit No. 472A-3 will now be located in the NE ¼ NW ¼ Section 5, T114N, R64W

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

Approval of a Change of Diversion Point

NAME: Brett, Darin and Chad Binger

ADDRESS: 38270 182nd Street, Tulare SD 57476

DATE: March 20, 2008 **COUNTY:** Spink **TELEPHONE:**

BACKGROUND:

Water Permit No. 6921-3 was approved March 7, 2007, transferring the irrigated acres, diversion rate authority and changing the well location for Water Right No. 472-3. As amended, the permit appropriates 2.25 cfs from a well to be completed into the Tulare:Western Spink Aquifer located in the S ½ NE ¼ Section 6 to irrigate 160 acres in the NE ¼ Section 6, all in T114N, R64W. No increase in the diversion rate or acres irrigated was authorized by this amendment.

On March 20, 2008, Brett Binger filed a request to change the well location to the NE ¼ NW ¼ Section 5, T114N, R64W. Based on the map submitted this will move the well approximately 1 ¼ mile northeast of the originally intended location. The basis for the request is a well completed at the original site did not produce sufficient water. A well drilling firm from Minnesota found a suitable location in the NE ¼ NW ¼ of Section 5.

The proposed new well location is in the same quarter section as requested by Application No. 6360-3. This application was denied by the Water Management Board at the December 2007 meeting along with numerous other applications that had been on a "deferred" list for the last five years. The Board adopted findings at their March 11, 2008 meeting. Currently the 30 day time for appeal of the Board's decision is running.

AUTHORITY:

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

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

The water source authorized by Water Permit No. 472A-3 is the Tulare:Western Spink Aquifer at a proposed depth of 125 feet. There is no change in the proposed depth or water source.

No additional appropriation of water is requested. The water permit appropriates 2.25 cfs. No additional water will be appropriated by the change in the well location.

- **Review of Existing Diversions**

A review of the well log database found three domestic wells completed in the Tulare:Western Spink Aquifer in the sections surrounding Section 5. The closest domestic well on file is in the SW ¼ of Section 5. This change in well location will not put it in closer proximity to this domestic well. There are also a number of domestic well completed into the Dakota Formation in the area. This deeper formation and the Tulare:Western Spink Aquifer are not connected.

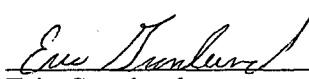
There are existing water rights/permits in the general vicinity of this permit. The nearest water right is held by Binger Farms in the section to the north of the land authorized by Water Permit No. 472A-3. The proposed well location change will increase the distance between these wells. However, the change will move the well closer to water rights held by Nielson in the S ½ of Section 5 and Neitzel in the NW ¼ of Section 4. In both cases the proposed Binger well location will be over one half mile from the wells held under neighboring water rights. Drawdown by pumping during the irrigation currently range from 30 to 40 feet based on observation wells in the area. This drawdown has not caused adverse effects among area irrigators and it is not anticipated that a well at the requested location will not significantly increase drawdown.

CONCLUSION

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

RECOMMENDED ACTION

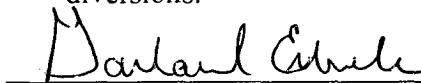
Based on the above criteria, it is recommended that the change of diversion point be authorized under Water Permit No. 472A-3.



Eric Gronlund
Water Rights Program

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

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



Garland Erbele, Chief Engineer
Water Rights Program

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED
MAR 20 2008
WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right L Amendment/Correction to Permit No. 472A-3
 (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Change Diversion
Point 472A-3 pursuant to 46-5 B.1
cell 460-0706

1. Name of Applicant Binger Farms, Brett Binger Phone 605-596-4283
 (check one) L Owner Tenant/lessee
 Mailing Address 38270 182nd St Tulare State SD 57476
 (Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 225 *CFS or Same as permit # 472A-3 **GPM ***AF Total Acreage _____
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

3. Source of water supply Ground water

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW 1/4 sec 5
East 1/2 of NW 1/4 sec 5 114-64
 County Spink

5. County or counties where water will be used Spink

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

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

Land Description	Acres	Land Description	Acres
NE 40 of NE 1/4 sec 6 114-64	35		
NW 40 of NE 1/4 sec 6 114-64	35		
SW 40 of NE 1/4 sec 6 114-64	35		
SE 1/4 of NE 1/4 sec 6 114-64	35		

8. Give a description of the project. (Attach sheet if more space is needed)
would like to change Diversion point to sec 5 NW 1/4.
Well that was dug for us in sec 6 NE 1/4 was not able to
produce enough water for pivot. Had test hole dug on NW 1/4 sec 5
and found appropriate water. would like to change point of Diversion.

STATE OF SOUTH DAKOTA) SS
 County of Spink

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, Brett Binger, 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 Brett Binger

Subscribed and sworn to before me this _____ day of _____ 20 _____

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12' Depth 125'
- b) Casing Type plastic Diameter _____ Thickness _____
- c) Screen Type Stainless St. Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well:

On applicants property 1/2 mileOn property owned by others 3/4 mile

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 _____

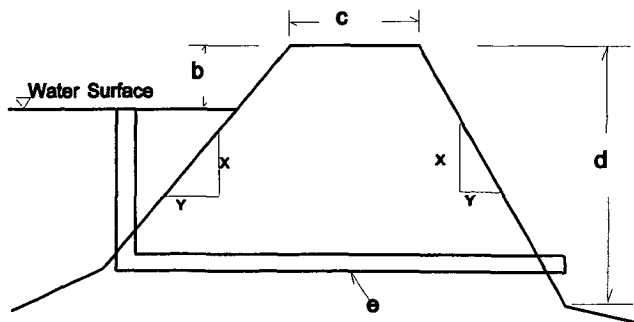
3. Dugout Information

- 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

2003

This is ^{where pivot is constructed} on sec 6.

RECEIVED

MAR 20 2008

WATER RIGHTS PROGRAM

6104

MAP NOT TO SCALE

THIS IS NOT AN OFFICIAL WETLAND MAP

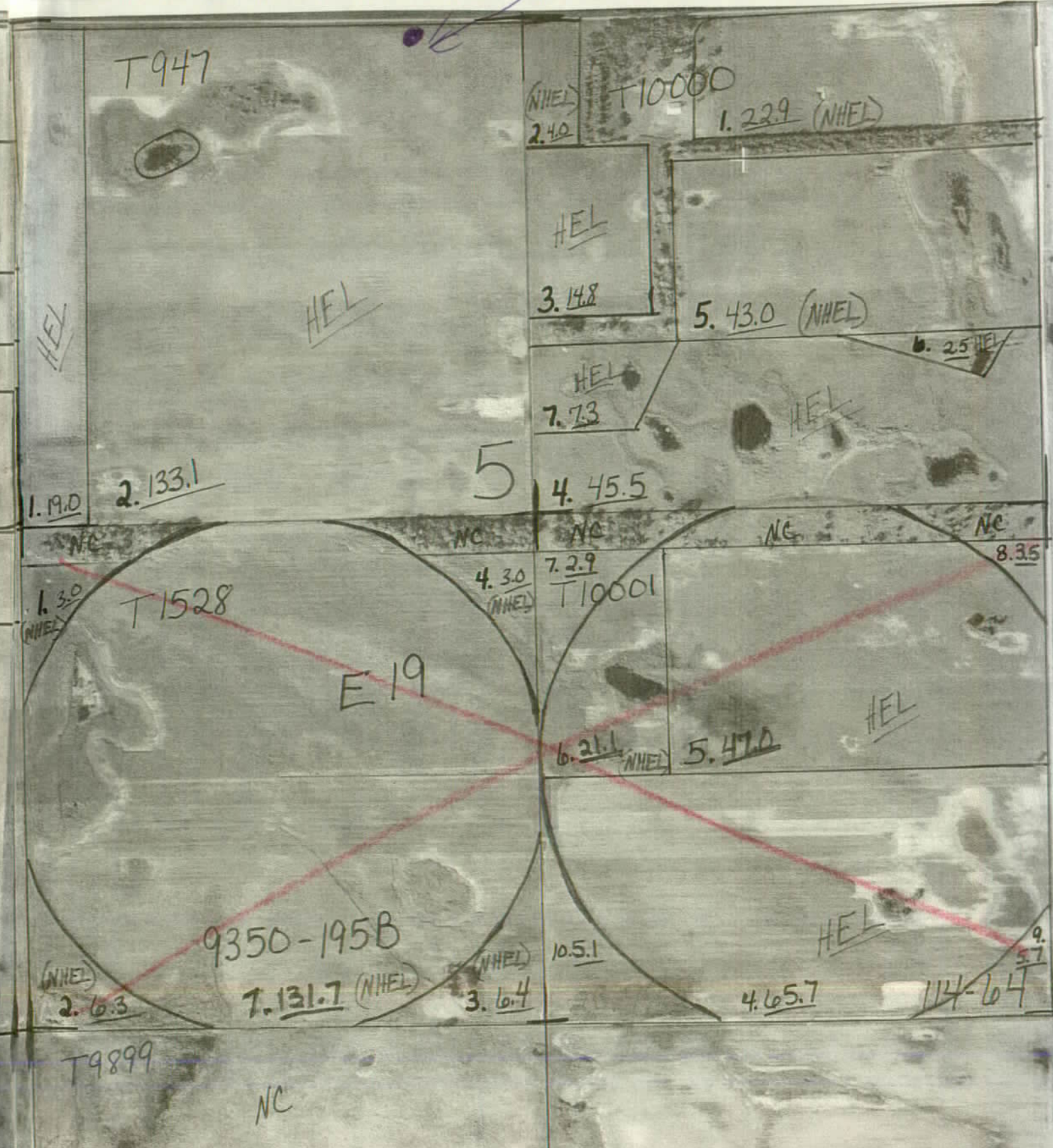
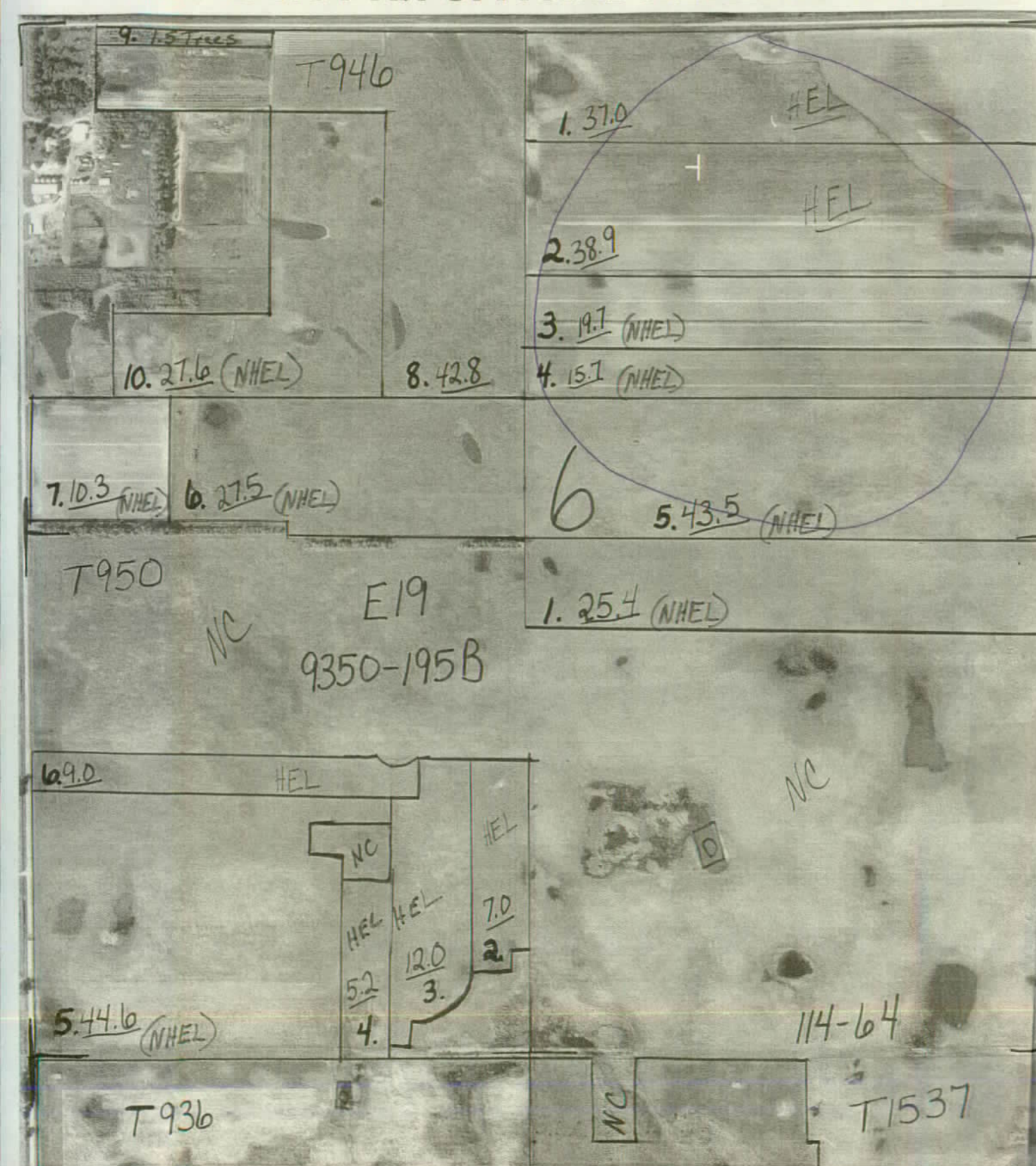
2003

This is where test well was dug and we would like to change Diversion point

6104

MAP NOT TO SCALE

THIS IS NOT AN OFFICIAL WETLAND MAP



SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

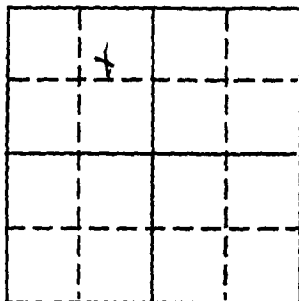
Location NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 6 Twp 114 Rg 64

County

Spink

North

Please mark well location with an "X"



Well Completion Date

7/16/2007

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? _____ ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	16.00	0.0	83.0	24.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	0.0 Ft	10.0 Ft
Cement				
Vol Clay			10.0 Ft	65.0 Ft

Describe grouting procedure
Line

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 20.0 FeetMaterial PVCSlot Size .057 Set From 83.0 Feet to 103.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? Pea Rock

Describe packer(s) and location

@83

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____
☐ No, Why Not? _____
Lab sample sent to for
water quality analysisWell Owner: Darin Binger

Business Name: _____

Address: 37848 181st StCity, State, Zip: Tulare SD 57476

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Sand	0	8
Blue Clay	8	40
Gravel	40	45
Blue Clay	45	80
Coarse Sand	80	103

STATIC WATER LEVEL 20 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☒ Pumped Describe: w/air☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED
JAN - 2 2008
WATER RIGHTS
PROGRAM

RECEIVED
JAN - 2 2008
WATER RIGHTS
PROGRAM

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: _____

**RECEIVED****MAR 20 2008****WATER RIGHTS
PROGRAM****FAX**

Date: March 12, 2008

Page 1 of 4

To: Mike Steffl

Steff Drilling & Pump

Fax # 320-235-4848

From: Al Smith
Phone: 1 800 833 9473 - ext 160 or 651.638.3160 (direct)
Fax: 800 328.9891 or 651.638.3171
Email: smithaj@johnsonscreens.com

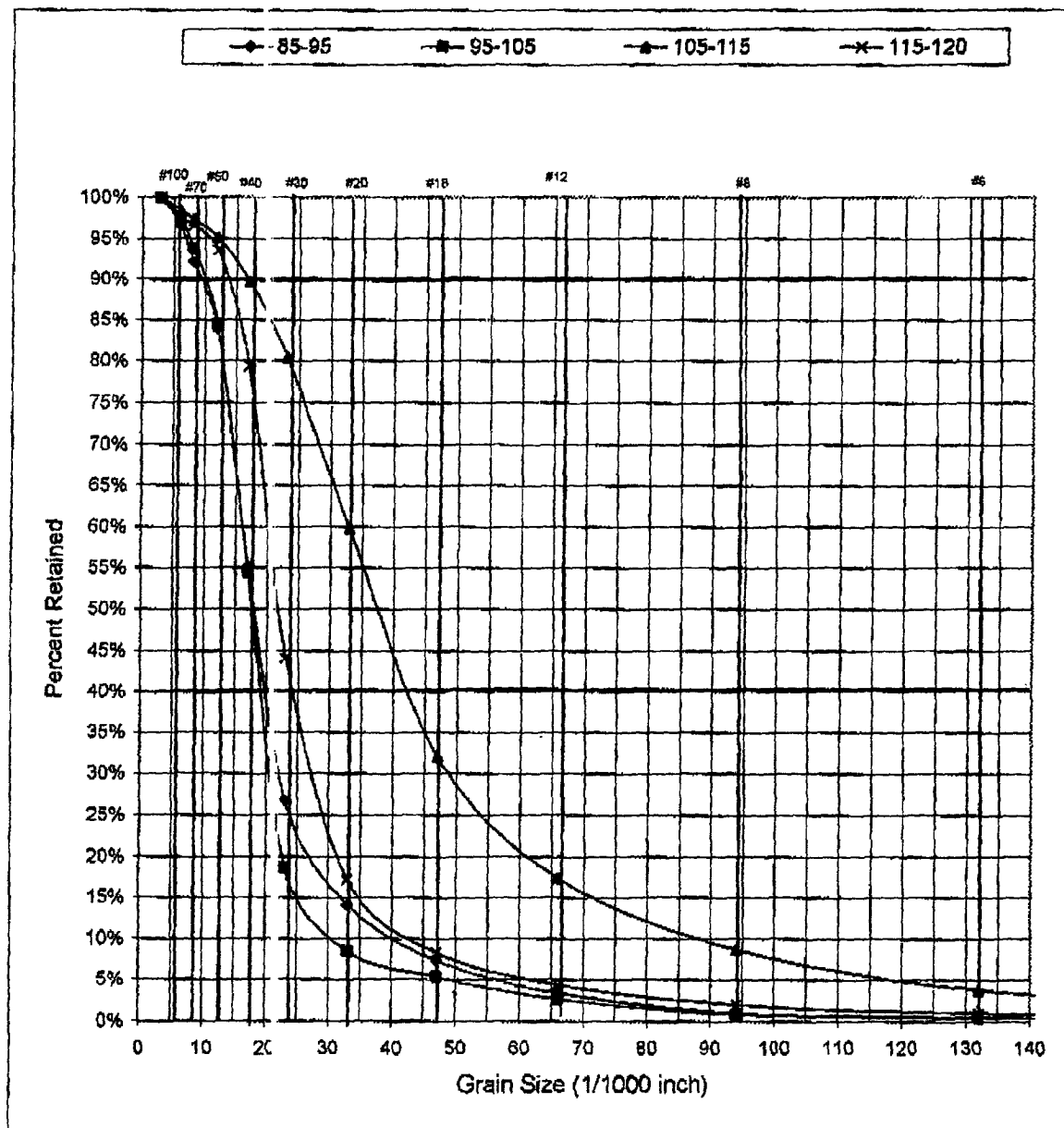
Subject: Sieve Analysis and Screen Recommendations**Project: Brett Binger - Tulare**

I am sending the results of the sieve analysis for your records. Based on the sieve analysis, I am recommending placement of 30 feet of 12" Pipe Size Johnson Screen from 95' - 125'. It is best to use 250' High Flow Screen Construction to provide maximum open area for highest efficiency and highest development potential. This screen will have adequate open area to transmit the desired yield of 600 to 800 GPM at or less than the average entrance velocity of 0.1 feet per second. I suggest using a 60 slot screen with #60 Well Slot American Materials Gravel Pack for the medium sand aquifer. The Johnson Screen Construction Submittal is also enclosed for your review.

If the Static Water Level is relatively high such as 10' to 30', I would think that you will be able to attain the 600 to 800 GPM Desired. If you have any question, please feel free to contact me.

Al Smith

Johnson Screens
651-636-3900

SAND ANALYSIS

Project: Brett Binger - T ilare, SD
Engineer:

Sieve Analysis ID # 031108-2
Well:

Contractor: Steffl Drilling
Desired Yield - 600 to 800 GPM

Proposed Screen Diameter: 12" or 16" Pipe Size
Recommended Slot Size: 60 Slot From 95' - 125'
Recommended Gravel Pack: #60 Well Slot American Material

Prepared By: Al Smith
651-638-3160

Send samples to 1950 Old Hwy 8, New Brighton, MN 55112.

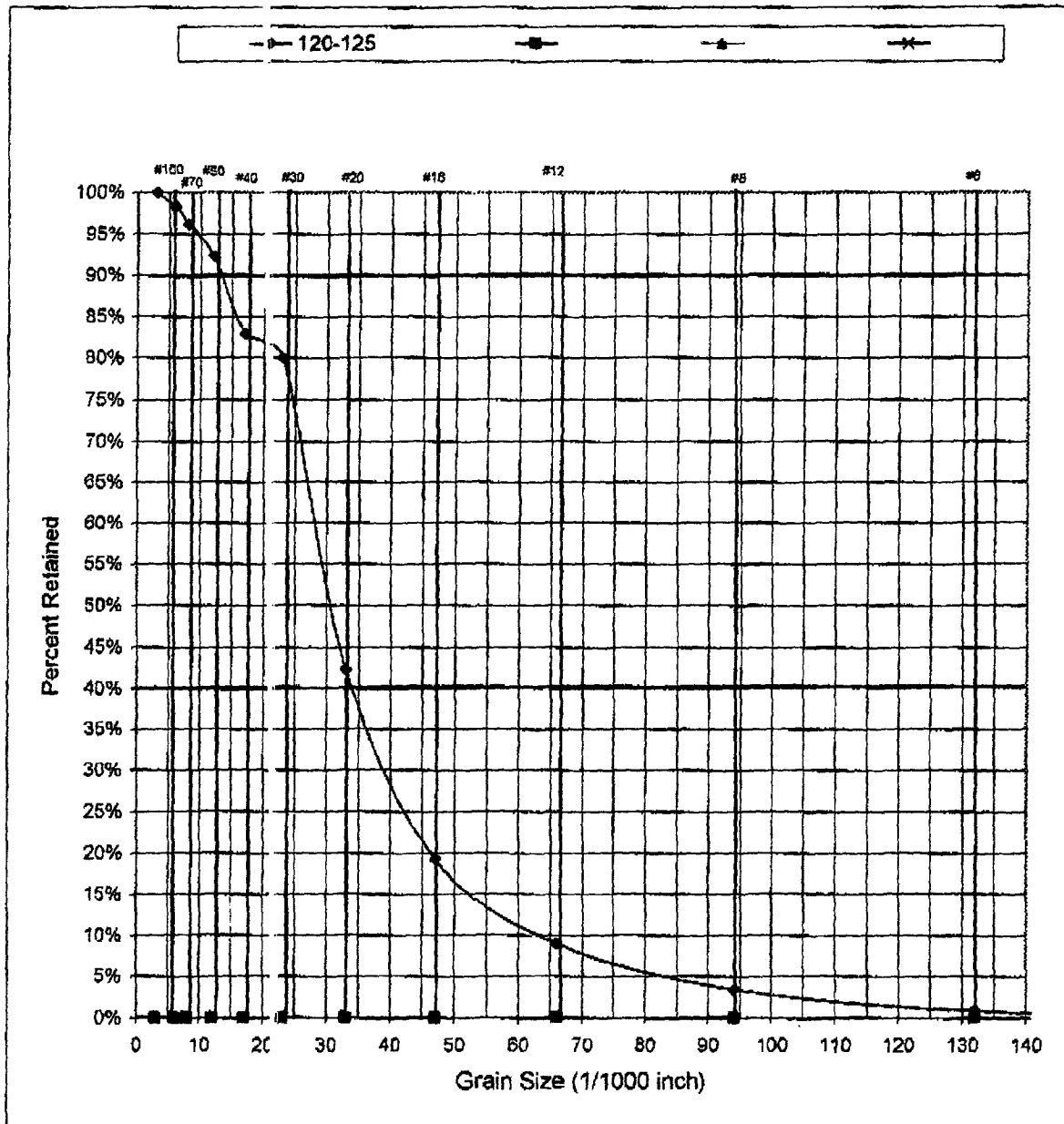
RECEIVED

MAR 20 2008

WATER RIGHTS
PROGRAM

Johnson Screens
651-636-3900

SAND ANALYSIS



Project: Brett Binger - Tulare, SD
Engineer:

Sieve Analysis ID # 031108-2

Well:

Contractor: Steffl Drilling
Desired Yield - 600 to 800 GPM

Proposed Screen Diameter: 12" or 16" Pipe Size
Recommended Slot Size: 60 Slot From 95' - 125'
Recommended Gravel Pack: #60 Well Slot American Material

Prepared By: Al Smith
651-638-3160

Send samples to 1950 Old Hwy 8, New Brighton, MN 55112.

RECEIVED

MAR 20 2008

WATER RIGHTS
PROGRAM

3/12/2008



WELL SCREEN SUBMITTAL DATA

CLIENT: Steffi Drilling
PROJECT: Brett Binger, 250' High Flow Construction

Material	304 Stainless			
Nom Size	12	PS	300	mm
Estimated Total Well Depth	125	ft	38	meters
Estimated Feet of Screen	30	ft	9	meters
Design Slot Size	0.060	in	1.5	mm
Approx. Outside Diameter	12.76	in	324	mm
Screen Barrel Inside Diameter	12.09	in	307	mm
Approx. Clear ID at Fittings	11.84	in	301	mm
Approx. Weight Per Ft	15	lbs	7	kg
Wire Width	0.071	in	1.8	mm
Wire Height	0.177	in	4.5	mm
Calc. Collapse Strength *	58	PSI	4	kg/sq.cm
Open Area	45.8%			
Intake Area	220	sq.in./ft	4,663	sq.cm./meter
Transmitting Capacity-at 0.1 ft/sec	68	gpm/ft	14	lps/meter
Support Rod Diam	0.153	in	3.9	mm
No Rods	64			
Cross Sectional Rod Area	1.38	sq.in.	8.92	sq.cm.
Design Yield Strength	30,000	PSI	2,109	kg/sq.cm
Calc. Tensile Strength *	35,300	lbs	16,000	kg
Max. Recommended Hang Wt. *	17,600	lbs	8,000	kg
Column Load **	27,400	lbs	12,400	kg

* A broad range of site conditions can impact the physical strength requirements for a successful screen installation. Consult Johnson Screens with questions regarding the parameters presented above as they relate to your specific requirements.

** Vertical weight on screen that should not be exceeded without consulting manufacturer. Column load calculations should include some allowance for gravel pack contribution.

Prepared by Waterwell Customer Service
Subject to Johnson Screens
Standard Terms and Conditions

RECEIVED
MAR 20 2008
WATER RIGHTS
PROGRAM

McMath, Genny

From: Susan Binger <bbinger@nrctv.com>
Sent: Thursday, November 29, 2012 4:23 PM
To: McMath, Genny
Subject: Re: Permits 960-3 and 472-3

I am having a terrible time getting Brett to reply to your email, so I will just do it myself!

Darin is OWNER for 6142-3. Darin is RENTER for 5568-3. (I will talk to him & have him disregard the transfer form you mailed him on that.) Chad is OWNER for 960-3. Chad is RENTER for 472-3. Eventually we will get this straightened out....thanks for your patience with us!

Susan

----- Original Message -----

From: McMath, Genny
To: Brett & Susan Binger
Sent: Thursday, November 29, 2012 7:30 AM
Subject: RE: Permits 960-3 and 472-3

Brett,

I mailed transfer of ownership forms to Darin for 6142-3 and 5568-3. With reference to the 1st paragraph below, does Chad now "own" the land under 960-3 and 472A-3 or does he just manage it for all of you? If he owns it, then I'll mail transfer forms.....if he just manages it, I can just make the address change.

Genny

605 773-5455

From: Susan Binger [<mailto:bbinger@nrctv.com>]
Sent: Tuesday, November 27, 2012 2:37 PM
To: McMath, Genny
Subject: Permits 960-3 and 472-3

Please change the address for permits 960-3 and 472-3 that are currently sent to Brett Binger. These should now go to Chad Binger, 18410 382nd Ave, Tulare, SD 57476. I have given him the forms to complete, along with the instructions and envelope. His phone number is 596-4295.

I submitted questionnaires via email for permits 6142-3 and 5568-3. These should be sent to Darin Binger in the future. His address is 37848 181st St, Tulare. He was over and completed the paper form and I submitted them for him, but he is now the sole owner/operator for these permits. (I also noted this info on the questionnaire before submitting.)

If you have any questions or need additional information, feel free to call my cell 605-460-1604 or email me.

Thank you,

Brett Binger

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2221 / Virus Database: 2629/5426 - Release Date: 11/29/12



472A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: CHAD BINGER, MGR, 18410 382ND AVE, TULARE, SD 57476

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaires

Our records indicate that the 2013 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 960-3 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) 472A-3 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** 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:

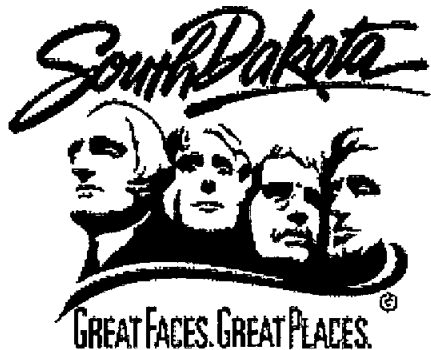
1. Suspend or cancel Permit No(s) 472A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 960-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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 questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

472A-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 13, 2014

472A-3
960-3

Chad Binger
18410 382nd Ave
Tulare SD 57476

Dear Mr. Binger:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right Nos. 472A-3 and 960-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: CHAD BINGER, MGR, 18410 382ND AVE, TULARE, SD 57476

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaires

Our records indicate your 2016 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 960-3 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) 472A-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 1, 2017 at 11:00 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) 472A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 960-3 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 1, 2017** 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. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



472A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 30, 2017

472A-3
960-3

Chad Binger
18410 382nd Ave
Tulare SD 57476

Dear Mr. Binger

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit/Right Nos. 472A-3 and 960-3. 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
email: genny.mcmath@state.sd.us



472A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: CHAD BINGER, MGR, 18410 382ND AVE, TULARE, SD 57476
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 960-3 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) 472A-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 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 472A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 960-3 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 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional 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. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

C: BRETT, DARIN & CHAD BINGER, 38270 182ND ST, TULARE SD 57476

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.



472A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2019

472A-3
960-3

Chad Binger
18410 382nd Ave
Tulare SD 57476

Dear Mr. Binger:

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

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit/Right Nos. 472A-3 and 960-3. 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
email: genny.mcmath@state.sd.us

c: Brett Binger, 38270 182nd St, Tulare SD 57476



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 7, 2019

472A-3

Chad Binger
18309 383rd Ave
Tulare SD 57476

Dear Mr. Binger:

Recently, Eric Gronlund with our program visited with Brett Binger concerning licensing of Water Permit No. 472A-3. It is our understanding that you now own the NE ¼ Section 6, T114N, R64W described in the water permit. Prior to licensing, the ownership should be changed from Brett, Darin & Chad Binger to just your name.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing the ownership change. Please review for accuracy and complete as needed. Upon completion, please sign and return the form to us with a required fee of \$50. 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 let me know.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
DENR - Water Rights Program
605 773-3352

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 30, 20 19

Chad/Kristie Binger 18410 382nd Ave Tulare, SD 57476

RECEIVED OF _____

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	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. _____		
Fee for Filing Transfer Form <u>472A-3</u>		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	50	00

No. **09214**

By

Jeannie Goodman
Chief Engineer
EM

NOTICE OF TRANSFER OF OWNERSHIP

PAID

SEP 30 2019

Ck# 10276

RECEIVED

SEP 30 2019

WATER RIGHTS
PROGRAM

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

No. 472A-3

Date: 8-10-19

I/We request that Water Permit No. 472A-3

formerly owned by: Brett, Darin & Chad Binger

be transferred to: (name & address)

Chad Binger
18309 383rd Ave

Tulare, SD 57476

Telephone No. 605-460-0805

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

NE ¼ Section 6, T114N, R64W

I/We understand that the validity of Water Permit No. 472A-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 Fifty Dollars (\$50.00) 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 Chad Binger, the new owner, certify that the above information is true and correct.

Chad 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.



472A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: CHAD BINGER, 18309 383RD AVE, TULARE, SD 57476

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 960-3 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) 472A-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 472A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 960-3 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 **February 26, 2020** 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. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: IMZEKN**

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.

472A-3

USPS Tracking®

FAQs >

Track Another Package +

Tracking Number: 70191120000129107519

Remove X

Your item was delivered to an individual at the address at 11:25 am on January 25, 2020 in TULARE, SD 57476.

 **Delivered**

January 25, 2020 at 11:25 am
Delivered, Left with Individual
TULARE, SD 57476

Get Updates ✓

Text & Email Updates

Tracking History

Product Information

7019 1120 0001 2910 7519

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

delivered
1-25-2020

Postmark
Here

CHAD BINGER
18309 383RD AVE
TULARE SD 57476

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Eachmark

See Less ^



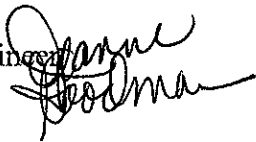
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2020

NOTICE OF ENTRY OF ORDER
FOR AMENDMENT AND ONE YEAR SUSPENSION

TO: Chad Binger, 18309 383rd Ave, Tulare SD 57476

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Amendment of Water Right No. 960-3 and One Year Suspension of Water Permit No. 472A-3

On February 26, 2020, the Water Management Board took the following actions on Water Right No. 960-3 and Water Permit No. 472A-3:

The Board amended Water Right No. 960-3 to add the following qualification effective immediately:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The Board also ordered:

Effective March 26, 2020, Water Permit No. 472A-3 be suspended for the 2020 irrigation season for failure to submit the 2019 irrigation questionnaire.

If the 2019 irrigation questionnaire is received prior to March 26, 2020, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2020 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2020 unless the 2019 irrigation questionnaire is submitted by March 26th.

After March 26th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2019 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 6-7, 2020, in Pierre, SD. The letter should include your reasons for not completing the 2019 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place. Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on February 27, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 2020 regarding Water Management Board action taken February 26, 2020 for Irrigation Questionnaire violations addressed as stated below:

One Year Suspensions:

Water Right No. 6947-3

Joel Adler, 48353 149th St, Milbank SD 57252

Water Permit No. 7655-3

Thomas Brady, 265 Antler Dr., Yankton SD 57078

Water Right Nos. 2698-2 & 2721-2

Neil & Lupita Fanning, 220 Rangely Ct., Simi Valley CA 93065

Water Right No. 5947-3

Sean Davis, Fish Lake Country Club, 24385 393rd Ave., Letcher SD 57359

Water Permit Nos. 7008A-3 and 7009A-3

Roger D Hanson, 615 E 72nd St., Kansas City MO 64131

Water Right No. 7043-3

Corey Johannsen, 502 Main St., Tolstoy SD 57475

Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475

Water Right No. 876-1

Gene E Johnson, 19610 US Hwy 85, Belle Fourche SD 57717

Water Right No. 1213B-1

Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788

Water Right No. 410B-2

Kathi Koester, PO Box 206, Custer SD 57730-0206

Water Permit No. 8253-3

James Makens, Makens Oak Tree LLP, 42563 168th St, Clark SD 57225

Water Permit Nos. 5849-3 and 6194-3

Josh Oakley, Meadow Creek Golf Course, PO Box 511, Volga SD 57071-0511

Water Right Nos. 2521-3 and 2934-3

Henry Decker, Pembroke Hutterian Inc., 35955 139th St, Ipswich, SD 57451 7103

Water Right Nos. 5566-3 & 7615-3 and Water Permit No. 7616-3

Wayne Reiersen, 30048 Reiersen Pl., Pollock SD 57648

Water Permit No. 2350-3

Bill Boyer, President, River Valley Farms, PO Box 486, Alcester SD 57001 0486

Water Right No. 4737-3

RUS Farms Real Estate LLC, 3283 Dogwood Ave., Rock Valley IA 51247

Water Right No. 2954-3

Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Water Right Nos. 6131-3 and 6132-3

Daniel Ulmer, PO Box 433, Menno SD 57045 0433

Water Right Nos. 2631A-3 and 5451-3
Merritt Ulmer, PO Box 433, Menno SD 57045-0433
Merritt & Marie Ulmer, 1402 S Cage #217, Pharr TX 78577

Water Right No. 553-1
Richard W Kieffer, 14555 Hamlet Pl, Sturgis SD 57785

Three Year Suspensions:

Water Right No. 6168-3
Robert Hattum, 21744 W Bend Rd, Harrold SD 57536

Water Right No. 2106-2
Stuart Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701

Amendments:

Water Right Nos. 804-2 & 995-2
Robert Berry, 23331 Hwy 14, Midland SD 57552

Water Right No. 766-2
Gene Fortune, PO Box 60, Interior SD 57750 0060

Water Right Nos. 516-1 and 715-1
Lawrence Woodward, PO Box 220, Dupree SD 57623 0220

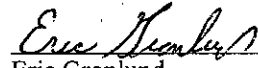
Both Suspend and Amendments

Water Right No. 960-3 and Water Permit No. 472A-3
Chad Binger, 18309 383rd Ave, Tulare SD 57476

Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3
Jonathan Wollman, Claremont Colony, 46271 184th St, Castlewood SD 57223

Water Right Nos. 3012-3 and 7323B-3
Mark Morlock, 33820 112th St., Eureka SD 57437-6005
Marvin Morlock, 11072 339th Ave, Eureka SD 57437-6003

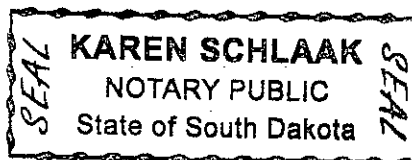
Water Right No. 399-2 and Water Permit No. 2668-2
Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766


Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 2020.


Karen Schlaak
Notary Public
My Commission expires April 1, 2025



472A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 23, 2020

472A-3
960-3

Chad Binger
18309 383rd Ave
Tulare SD 57476

Dear Mr. Binger:

On February 26th the Water Management Board ordered Water Permit No. 472A-3 suspended if the 2019 irrigation questionnaire was not received prior to March 26, 2020. The questionnaire information has been received for both Nos. 472A-3 and 960-3. Water Right No. 960-3 was amended by the Board effective the day of the hearing.

Since the irrigation questionnaire is on file, no violation has occurred, and no suspension will take place. You may irrigate during the 2020 irrigation season.

If you have any questions, please contact us.

Sincerely,

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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 472A-3

I have this day, July 26, 2018, made a thorough examination of the water use system constructed by Chad Binger, 18309 383rd Ave., Tulare, SD 57476 of Permit No. 472A-3, bearing the priority of April 22, 1957 authorizing the diversion of 2.25 cu. ft. per second of the waters of groundwater (Tulare; Western Spink Hitchcock Aquifer) for irrigation purposes, in Spink County.

Inspection contact: Chad Binger, Owner

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Steffl Drilling & Pump Inc
- 2) No. of Wells 1
- 3) Depth 125 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 12 inches
- 2) Length 97 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 30 feet
- 3) Static water level 27.5 feet

Pump:

- 1) Make Submersible
- 2) Capacity 850 GPM

Motor:

- 1) Make N/A
- 2) Model No. N/A
- 3) Horsepower rating 60 hp

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

- 1) Type PVC
- 2) Size 10 inches
- 3) Length 1300 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 850 GPM

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 Yes
- 6) Interlock type electrical
- 7) Injection pump type piston
- 8) Injection check valve Yes
- 9) Injection line check valve or positive displacement pump Yes

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: Well: 1,910 feet East and 15 feet South from the Northwest corner of Section 5-T114N-R64W (Latitude 44.72026, Longitude -98.55740) (NE 1/4 NW 1/4 Section 5) .
2. The works are capable of diverting and conveying to the place of use 1.89 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: all in Section 6. T114N-R64W

NW1/4 NE1/4 35 Acres
NE1/4 NE1/4 35 Acres
SE1/4 NE1/4 35 Acres
SW1/4 NE1/4 35 Acres

comprising a total of 140 acres of land and the license should be issued for 1.89 cfs .

3. All structures, wells and lands on map Yes



Terry D. Helms, PE
Water Rights Inspector
DENR, Water Rights Program

Date report completed: August 6, 2019

August 6, 2019: Eric Gronlund spoke with Brett Binger. Mr. Binger indicated that Chad Binger owns the land (an ownership change needs to be filed). (*transferred 09-30-2019 to Chad Binger*)

Additionally, condition No. 5 states the well that was authorized by Water Right No. 472-3 located in the SE 1/4 Section 30-T115N-R64W was to be plugged. During the phone conversation with Eric Gronlund, Brett Binger stated that this well was plugged.

The original application for Water Permit No. 472A-3 transferred the location of the well to the S 1/2 NE 1/4 Section 6-T114N-R64W. Then in 2008 a change in the well's location was authorized pursuant to SDCL 46-5-13.1 for the NE 1/4 NW 1/4 Section 5-T114N-R64W.

472A-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

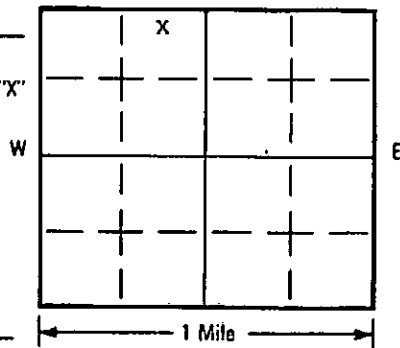
07-92

Location NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 5 Twp 114N Rg 64W

County Spink

North

Please mark well location with an "X"



Well-Completion Date

March 28, 2008

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1800 ft. from farm yard (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

mud rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u> </u> LB/FT	<u>12</u> IN	<u>+2</u> FT	<u>95</u> FT	<u>18</u> IN
<u> </u> LB/FT	<u> </u> IN	<u> </u> FT	<u> </u> FT	<u> </u> IN
<u> </u> LB/FT	<u> </u> IN	<u> </u> FT	<u> </u> FT	<u> </u> IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Red Flint</u>	<u>21</u>	<u> </u> lb./gal	<u>85</u> ft	<u>128</u> ft
<u>Quick Grout</u>	<u>40</u>	<u> </u> lb./gal	<u>0</u> ft	<u>85</u> ft

Describe grouting procedure _____

SCREEN:

- ☐ Perforated pipe ☒ Manufactured

Diameter 12IPS IN Length 30' FEET

Material stainless steel

Slot Size 60 Set From 95 Feet to 125 Feet

Other information _____

WAS A PACKER OR SEAL USED?

- ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION:

Was well disinfected upon completion?

- ☒ YES, How: water/chlorine m.x

NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Brett Binger

Business Name: Binger Farms

Address: 38270 182nd ST
Tulare SD 57476-7105

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
Clay	tan	M	0	18
clay	dk brwn	M	18	27
clay	blue	M	27	33
sandy/clay	blue	F	33	37
clay	blue	M	37	85
sand	gray/blue	M	85	125
clay	blue	S	125	128

STATIC WATER LEVEL 27.5

Feet

If flowing: closed in pressure _____

PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

- ☐ Pumped ☐ Bailed ☒ Other

Describe: air lifted

21 hrs air dev.

Pumping Level Below Land Surface

57.2 ft. After 11 Hrs. pumped 800 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____

800 GPM

REMARKS

This well was drilled under license # 463

And this report is true and accurate.

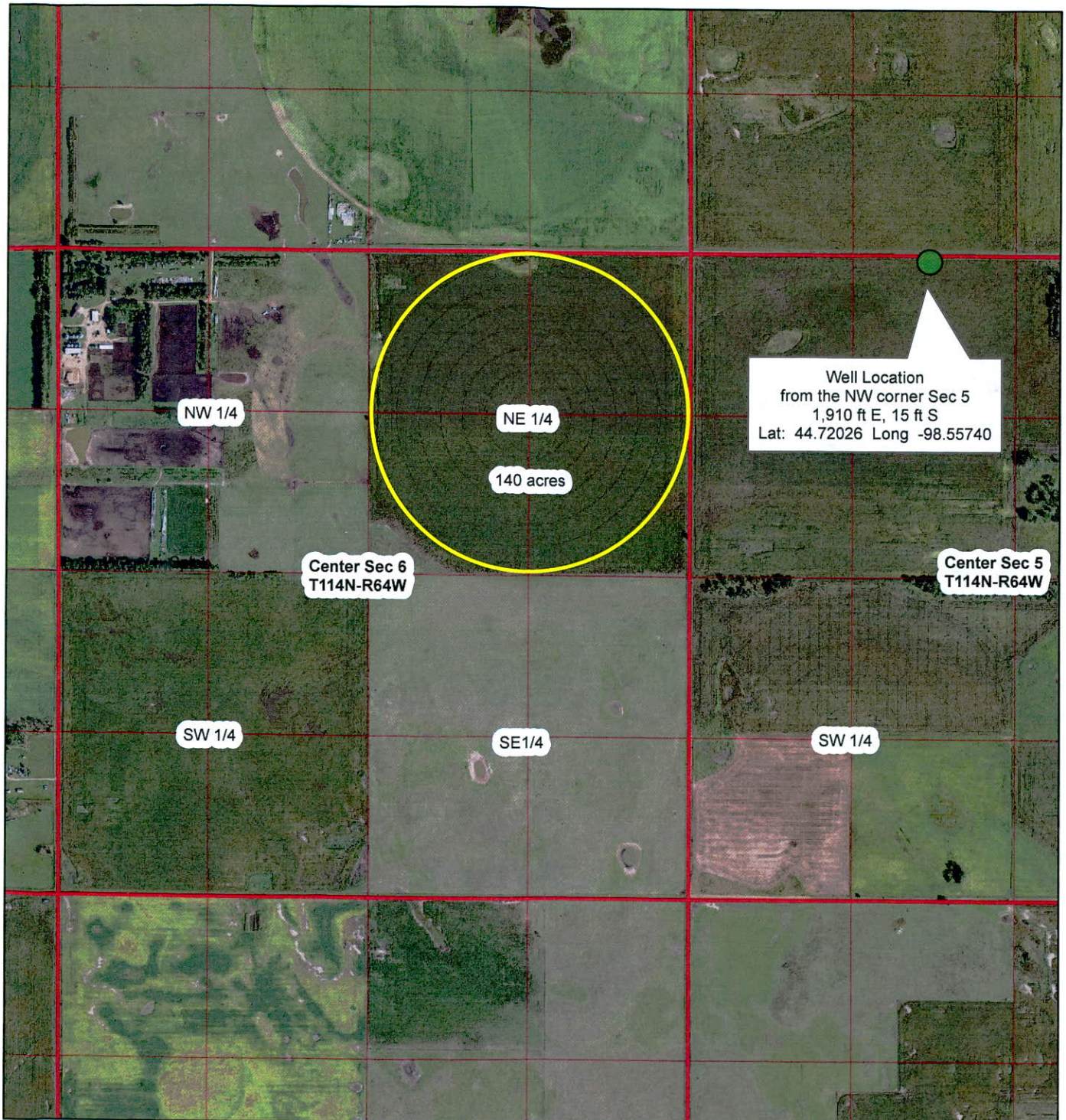
Drilling firm Steffl Drilling & Pump Inc

Signature of License Representative: _____

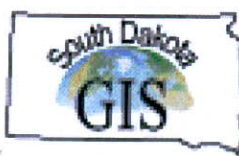
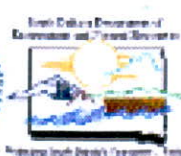
Signature of Well Owner or Equitable Property Holder: Brett Binger

Date: 4-8-08

Water Right No. 472A-3, Chad Binger



0 325 650 1,300 1,950 2,600 Feet



Terry D Helms

Terry D Helms, PE
Water Rights Inspector
DENR, Water Rights Program
November 21, 2019



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 25 2020

472-3
472A-3

Chad Binger
18309 383rd Ave
Tulare SD 57476

Dear Mr. Binger:

Enclosed is Water License No. 472A-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 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.

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.

In September 2019, you submitted an ownership change for No. 472A-3 transferring the permit to your name. The receipt for the filing fee is included with your water license. 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. 472-3 were incorporated into Water License No. 472A-3.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 472A-3**

(1) Brett, Darin & Chad Binger, Tulare SD 57476 made Application No. 472A-3, November 21, 2006 for a water permit to transfer irrigated acreage and the point of diversion authorized under Water Right No. 472-3 to land located 1.5 miles south in the NE ¼ Section 6, T114N, R64W, in Spink County. The water source for the irrigation system is ground water, one well (Tulare Western Spink Hitchcock Aquifer). Permit No. 472A-3, with a priority date of April 22, 1957 (established under Water Right No. 472-3) was approved March 7, 2007 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before March 7, 2012 and for the application to beneficial use of water on or before March 7, 2016.

Approval of Water Permit No. 472A-3 transferred the entire acreage and diversion authority originally authorized under Water Right No. 472-3 to the NE ¼ Section 6, T114N, R64W. The applicable portions of Water Right No. 472-3 have been incorporated into this license.

In 2008, authorization was granted to change the location of the diversion point to the NE ¼ NW ¼ Section 5, T114N, R64W.

On September 30, 2019, Water Permit No. 472A-3 was transferred to Chad Binger.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1910'E and 15'S of the NW corner of Section 5, T114N, R64W (NE ¼ NW ¼ Section 5)
Latitude 44.72026, Longitude -98.55740

(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:

T114N, R64W Section 6	NW ¼ NE ¼	35 acres
	NE ¼ NE ¼	35 acres
	SE ¼ NE ¼	35 acres
	SW ¼ NE ¼	35 acres
	Total	140 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Chad Binger, 18309 383rd Ave., Tulare SD 57476 the holder and/or owner of Incorporated Water Right No. 472A-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from ground water, one well (Tulare Western Spink Hitchcock Aquifer) with a priority date of April 22, 1957 from the location specified in (2) of this license for irrigation purposes.

Continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 472A-3 and subject to the following qualifications:

- The well authorized under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 472A-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in March, 2008 by Steffl Drilling & Pump Inc. A copy of the well completion report is on file with the Water Rights Program.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.
- The approval of Permit No. 472A-3 withdraws deferred Water Permit Application No. 6361-3 from future consideration.
- The well authorized by Water Right No. 472-3 and located near the center of the SE 1/4 of Section 30, T115N-R64W is deemed abandoned and shall be plugged in accordance with South Dakota Well Construction Standards. *The well has been plugged.*

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 25 2020

date



472A-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: CHAD BINGER, 18309 383RD AVE, TULARE, SD 57476
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 472A-3 & 960-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 472A-3 & 960-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 472A-3 & 960-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: SUDBAT**

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.

472A-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 23, 2023

472A-3
960-3

Chad Binger
18309 383rd Ave
Tulare SD 57476

Dear Mr. Binger:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 472A-3 and 960-3. 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

472A-3
960-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: CHAD BINGER, 18309 383RD AVE, TULARE, SD 57476

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 472A-3 & 960-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 472A-3 & 960-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 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) 472A-3 & 960-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: KFBBS**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

472A-3 & 960-3

January 28th, 2026

CHAD BINGER
18309 383RD AVE
TULARE SD 57476

Dear Mr. Binger,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). 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,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us