

WATER PERMIT NO. 4794C-3

Name of Applicant: Terry Wieting

Address: 1870 Beach Ave NE, Huron SD 57350

Phone: 605 350-1401

Amount of Water Claimed: no add'l

Total Acres: 20 acres

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation

County: Beadle

Type of Waste Disposal System:

Location: 5 miles each of Hitchcock

PRIORITY

Date Received: 5-8-15

Application/License Fee: \$ 300

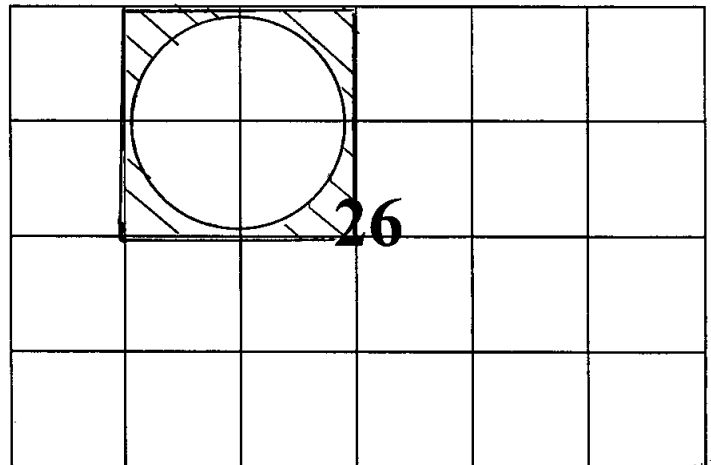
Corrected Application Received:

Period of Annual Use: April 1 – November 1

Remarks: changes acres under No. 4794-3 to accommodate installation of corning system

Diversion Point: NW 1/4 NW 1/4 Sec 26-T113N-R62W

Land to be Irrigated: N 1/4 Sec 26-T113N-R62W



Depth of Well:

Well Driller:

Remarks:

Type of Map:

Prepared by:

Reviewed and the Number Assigned on: 5-11-15

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED
MAY 08 2015
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 4794-3
(Use predates Mar 2, 1955)

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

transfer 20 acres under 4794-3 held by Gary Marshall to the quarter section authorized by Water Right No.

3317A-3

1. Name to Appear on Irrigation Permit Terry Wieting

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

(name and complete address if different than above name)

Mailing Address 870 Beach Avenue NE Huron SD 57350
(Address) (City) (State) (Zip Code)

Home Phone 266-2720 Cell 350-1401 Email marshall@sbtc.net

2. Amount of water claimed no addl *CFS or **GPM ***AF Total Acreage 20
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Tulare:Western Spink Hitchcock aquifer (existing well)

4. Location of point of diversion NW 1/4 NW 1/4 Section 26, T113N, R62W

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

County Beadle

5. County or counties where water will be used Beadle

6. Annual period during which water is to be used April 1 - October 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
NW 1/4 NW 1/4 Section 26, T113N, R62W	5		
NE 1/4 NW 1/4 Section 26, T113N, R62W	5		
SW 1/4 NW 1/4 Section 26, T113N, R62W	5		
SE 1/4 NW 1/4 Section 26, T113N, R62W	5		

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

Water Right No. 3317A-3 authorizes 1.34 cfs for irrigation of 104 acres. Desire to transfer 20 acres from Water Right No. 4794-3 held by Gary Marshall to the NW 1/4 Section 26, T113N, R62W (see letter from Gary Marshall agreeing to this transfer). No diversion rate authority is to be transferred. Acres are available to transfer from No. 4794-3 when Water Permit No. 7719-3 was obtained to irrigate the SW 1/4 Section 4, T113N, R62W

I, [Signature], the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 4794C-3**

Date of first receipt of application May 8, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 4794C-3 to Terry Wieting, 870 Beach Ave NE, Huron SD 57350 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. 4794C-3 amends Water Right No. 4794-3 by transferring 20 acres to other land. Water Right No. 4794-3 appropriates 2.22 cubic feet of water per second (cfs) from two wells completed into the Tulare Western Spink Hitchcock aquifer to irrigate 264 acres located in the SW 1/4 Section 4 and the SE 1/4 Section 5; all in T113N-R62W. This permit will move 20 authorized acres from the SW 1/4 Section 4 to the NW 1/4 Section 26-T113N-R62W. Water Right No. 3317A-3 appropriates 1.34 cfs from one well located in the NW 1/4 NW 1/4 Section 26 to irrigate 104 acres in the NW 1/4 Section 26; all in T113N, R62W. This is the same aquifer and no increase in the permitted diversion rate or number of acres irrigated is authorized by this permit. Permit No. 4794C-3 authorizes a total diversion of 1.34 cfs to irrigate 124 acres as described above.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is April 9, 1981 (20 acres comprised of 5 acres in each quarter-quarter) and April 1, 1987 (1.34 cfs and 104 acres established by No. 3317A-3).
4. The date of approval of Permit No. 4794C-3 is July 27, 2015.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Water Right No. 3317A-3 and Water Permit No. 4794C-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Permit No. 4794C-3 incorporates Water Right No. 3317A-3.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

AUG 27 2015
date



WATER PERMIT APPLICATION FOR TERRY WIETING



Sec 26
T113N
R62W

1,100 550 0 1,100 Feet



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
based on representation of Gary Marshall
in the office on April 29, 2015



Sec 22
T113N
R62W

Sec 23
T113N
R62W

Sec 24
T113N
R62W

Sec 27
T113N
R62W

Sec 26
T113N
R62W

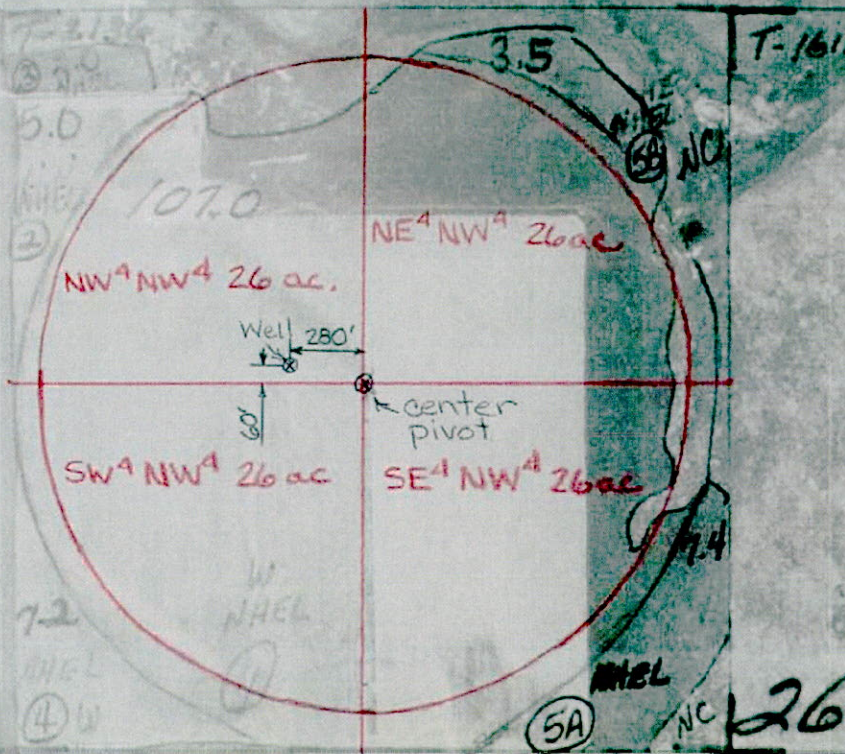
Sec 25
T113N
R62W

Sec 34
T113N
R62W

Sec 35
T113N
R62W

Sec 36
T113N
R62W

NOT TO SCALE



60.6 Total Acres = 104

Prepared by:

Lynn Beck
Lynn Beck
Natural Resource Engineer
Water Rights Division
DENR

10-3-91

113-62

39.0

NC

3317A-3

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/11, 20 15

RECEIVED OF Terry Wieting 870 Beach Ave NE Huron SD 57350

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

Fee for Application for Permit No. <u>4794C-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4794C-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law) TOTAL	300	00

No. 07391

By

Jeanne Anderson
Chief Engineer

RECEIVED
MAY 08 2015
WATER RIGHTS
PROGRAM

April 29, 2015

Chief Engineer
Water Rights Program, DENR
523 E Capitol Avenue
Pierre SD 57501

Chief Engineer:

I agree to Terry Wieting transferring 20 acres authorized by Water Right No. 4794-3 in the SW ¼ Section 4, T113N, R62W to the NW ¼ Section 26, T113N, R62W. Mr. Wieting is in the process of filing an application to transfer these acres.

Gary Marshall

No. 4794B-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: WR No. 4794B-3, Gary Marshall

ADDRESS: 19032 388th Avenue, Hitchcock SD 57348 COUNTY: Beadle County

DATE: June 16, 2015 TELEPHONE: cell - 350-1401

RE: inquiry on acres to be transferred under Water Right No. 4794-3.

As part of the review of Application No. 4794B-3, the question arose as to which 28 acres in the SW $\frac{1}{4}$ Section 4, T113N, R62W are being transferred to the SE $\frac{1}{4}$ Section 5, T113N, R62W to accommodate the cornering system being installed. Mr. Marshall stated to transfer 7 acres equally from each quarter-quarter section in the SW $\frac{1}{4}$ of Section 4.

Mr. Marshall indicated the same procedure should be used in that he agreed to allow Terry Wieting to transfer acres to a new location.

NAME: Eric Lund



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

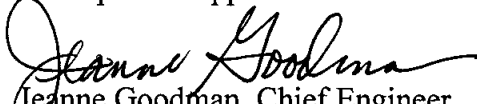
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4794C-3, Terry Wieting**

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. 4794C-3, Terry Wieting, 1870 Beach Avenue NE, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 4794C-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under this Water Right No. 3317A-3 and Water Permit No. 4794C-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Water Permit No. 4794C-3 incorporates Water Right No. 3317A-3.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
July 6, 2015

NOTE:

The incorporation of Water Right No. 3317A-3 into Water Permit No. 4794C-3 is intended to reflect that this is one water use system. By incorporating, the permit holder will receive one irrigation questionnaire each fall to report water use by this system. Priority date for the appropriation of water and original 104 acres will be retained.

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 4794C-3
TERRY WIETING
JUNE 19, 2015

Water Right No. 4794-3 authorizes the irrigation of 264 acres located in the SW $\frac{1}{4}$ Sec. 4, T113N-R62W and the SE $\frac{1}{4}$ Sec. 5, T113N-R62W, using water from two wells completed into the Tulare: Western Spink/Hitchcock aquifer, diverted at a maximum rate of 2.22 cubic feet of water per second (cfs). The well locations authorized by Water Right No. 4794-3 are in the center of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4, T113N-R62W, and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5, T113N-R62W. Water Right No. 3317A-3 authorizes the irrigation of 104 acres located in the NW $\frac{1}{4}$ Sec. 26, T113N-R62W, using two wells completed into the Tulare: Western Spink/Hitchcock aquifer, diverted at a maximum rate of 1.34 cfs. The well locations authorized by Water Right No. 3317A-3 are the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26, T113N-R62W and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26, T113N-R62W.

The applicant proposes to replace an existing irrigation system, constructed under the auspices of Water Right No. 3317A-3, with a cornering system capable of irrigating an additional 20 acres. Water Permit Application No. 4794C-3 proposes to amend Water Permit 4794-3 by transferring the authority for irrigation of 20 acres from the SW $\frac{1}{4}$ Sec. 4, T113N-R62W to the NW $\frac{1}{4}$ Sec. 26, T113N-R62W, to accommodate the new system. The applicant does not propose to transfer any diversion authority and there will be no increase to the 1.34 cfs for the system that is to be located in the NW $\frac{1}{4}$ Sec. 26, T113N-R62W.

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-5-34

SDCL 46-5-34 provides:

“...if for any reason it should become impracticable to use all or any part of the water beneficially or economically for irrigation of any land to which the right of its use is appurtenant, all or any part of the right may be severed from the land and simultaneously transferred and become appurtenant to other land without losing priority of right previously established, subject to existing rights, upon approval of an application for an amended permit.”

These applications do not address why it has become impracticable to beneficially or economically irrigate the originally permitted acreage.

EXISTING RIGHTS:

SDCL 46-5-34 requires that an amendment to transfer a water right/permit is subject to existing rights. Existing water rights/permits with diversion points in the vicinity of 4794B-3 are shown in Table 1 and Figure 1.

Table 1. Water Rights/Permits in the vicinity of 3317A-3

PERMIT NO	NAME	STATUS	CFS	ACRES
130A-3	ELDON E HOFER	LC	1.07	75
246-3	TERRY M WIETING	LC	1.33	160
2476-3	RANDY R PUFFER	LC	1	96
3191-3	SCOTT A MUELLER	LC	1.69	118
3192-3	RIVERSIDE HTRN BRTH	LC	1.88	132
3317A-3	TERRY M WIETING	LC	1.34	104
4308-3	TERRY M WIETING	LC	1.44	184
4350-3	RANDY R PUFFER	LC	1.89	132
4400A-3	HURON HTRN BRTH	LC	1.45	102
4723-3A	GARY MARSHALL	LC	1.94	136
2976A-3	JOHN LOVETT	LC	1.44	126
6240-3	TERRY WIETING	LC	1.56	132
7373-3	TERRY M WIETING	PE	1.78	160
7718A-3	TERRY M WIETING	PE	1.78	135
1423-3	MOROG FAMILY LIMITED PARTNERSHIP	LC	1.88	132



Figure 1. Approximate location of wells supplying water rights/permits from the Tulare: Western Spink/Hitchcock aquifer, in the vicinity of Water Right No. 4794C-3

The 1979-2014 average irrigation application rate from the Tulare: Western Spink/Hitchcock aquifer was 9.37 inches per acre per year. The additional 20 acres that is irrigated in the NW¼ Sec. 26, T113N-R62W, can be expected to result in an additional average withdrawal from the wells used to supply Water Right No. 3317A-3-3 and Permit No. 4794C-3 (if approved), of 15.616 acre-feet. Over a 185 day irrigation season, 15.616 acre-feet would result in an average diversion rate from the wells of 0.042 cfs (approximately 19 gallons per minute). The additional drawdown associated with 0.042 cfs is not expected to be significant to water levels in area wells.

The DENR-Water Rights Program monitors an observation well (BD-80C) completed into the Tulare: Western Spink/Hitchcock aquifer, located approximately one-half of a mile northwest of the wells that supply Water Right No. 3317A-3. A hydrograph for the observation well is shown in Figure 2. The hydrograph documents seasonal water level fluctuation that may be the result of nearby well pumping. Well interference has never been an issue from the aquifer and it is likely that diversions proposed by these applications can be completed without unlawfully impairing existing water rights. If the water levels in the Tulare: Western Spink/Hitchcock aquifer were to decline, owners of existing wells bear the responsibility of lowering the pump inlet in the well to below the top of the aquifer, if necessary. Increased lift would decrease the pump discharge, or require a larger pump or a different type of a pump to maintain the same output.

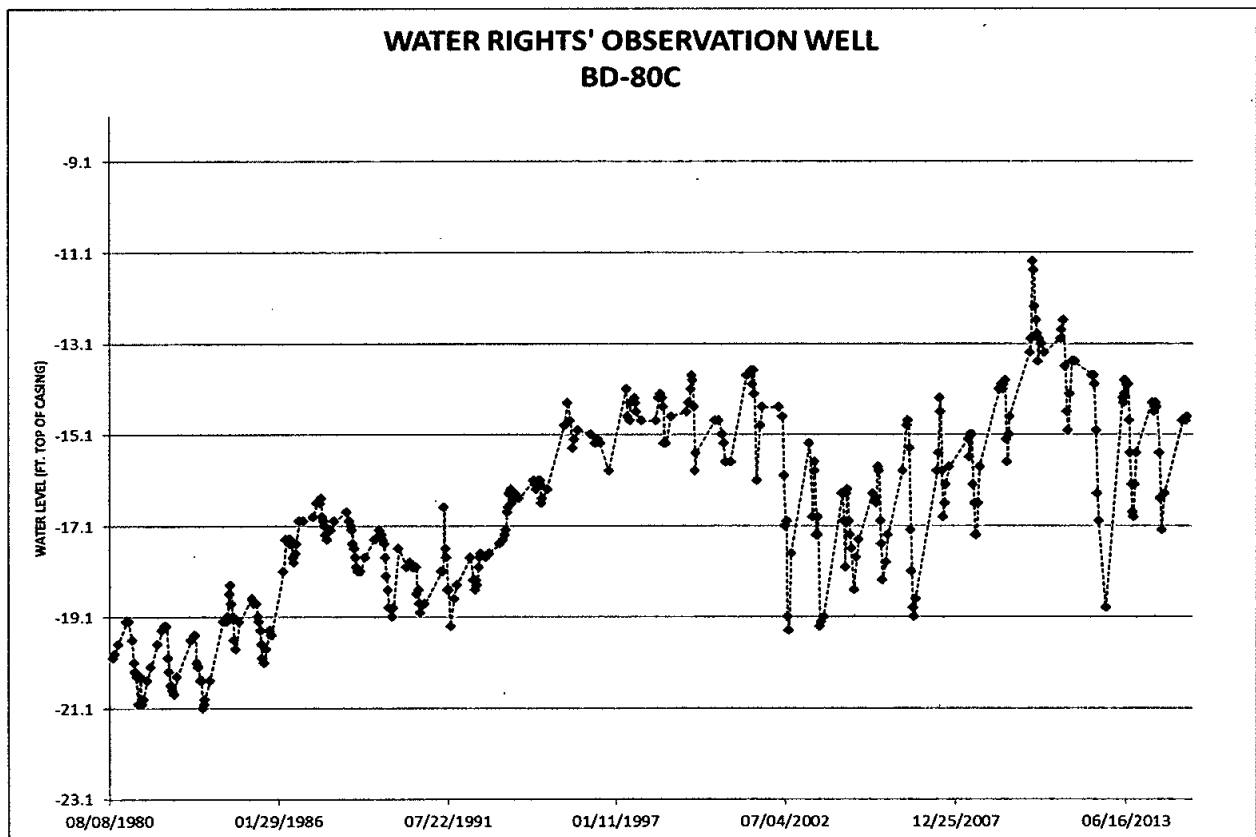
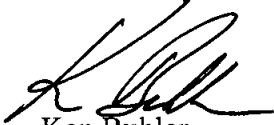


Figure 2. Hydrograph for DENR-Water Rights' observation well completed into the Tulare: Western Spink/Hitchcock aquifer approximately one-half of a mile northwest of the wells that supply water for Water Right No. 3317A-3.

CONCLUSIONS:

1. SDCL 46-5-34 provides authority to sever an irrigation right from one parcel of land and simultaneously transfer it to another parcel.
2. These applications do not address why it has become impracticable to beneficially or economically irrigate the originally permitted acreage.
3. The availability of unappropriated water is not a consideration required in SDCL 46-5-34.
4. The amendments proposed by Water Permit Application No. 4794C-3 are not expected to adversely impact existing water rights.



Ken Buhler

DENR-Water Rights Program

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

RECEIVED

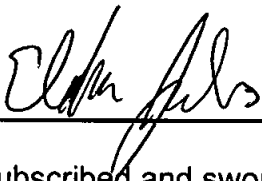
JUL 29 2015

WATER RIGHTS
PROGRAM

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

SD ENVIROMENTAL -TERRY WIETING
WATER RIGHTS

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 15TH day JULY 2015. That the full amount of the fee charged for publishing is: THIRTY-NINE & 00/100 dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.



Subscribed and sworn to me before this 15TH Day of JULY 2015.


Notary Public, South Dakota

My term expires 01/27/2018
Legal #1918

F.P. 07-15-15

**NOTICE OF
APPLICATION NOS.
4794C-3**

Notice is given that Terry Wieting, 1870 Beach Avenue NE, Huron SD 57350 has filed the following application for a water permit. Application No. 4794C-3 requests to amend Water Right No. 4794-3 by transferring 20 acres to other land. Water Right No. 4794-3 appropriates 2.22 cubic feet of water per second (cfs) from two wells completed into the Tulare Western Spink Hitchcock aquifer to irrigate 264 acres located in the SW 1/4 Section 4 and the SE 1/4 Section 5; all in T113N-R62W. This application proposes to move 20 authorized acres from the SW 1/4 Section 4 to the NW 1/4 Section 26-T113N-R62W. Water Right No. 3317A-3 appropriates 1.34 cfs from one well located in the NW 1/4 NW 1/4 Section 26 to irrigate 104 acres in the NW 1/4 Section 26; all in T113N, R62W. This is the same aquifer and no increase in the permitted diversion rate or number of acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4794C-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 27, 2015.

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

No. 1918 (adv.)
Published once at the total approximate cost of \$38.99.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, July 06, 2015 4:02 PM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: 4794C-3, Terry Wieting
Attachments: 4794C-3public.short.docx

Attached is a notice to be published on July 15, 2015.

Terry Wieting, 1870 Beach Ave NE, Huron SD 57350 (phone 266-2720 c 350-1401) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

July 6, 2015

Terry Wieting
1870 Beach Ave NE
Huron SD 57350

Dear Mr. Wieting:

Water Permit Application No. 4794C-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Plainsman printed at Huron SD (Ph # 605-353-7401). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NOS. 4794C-3

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4794C-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

AUG 27 2015

Terry Wieting
870 Beach Ave NE
Huron SD 57350

Dear Mr. Wieting:

Enclosed is Water Permit No. 4794C-3 authorizing construction of the 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 the completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

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

Sincerely,

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

Note: Water Permit No. 4794C-3 incorporates Water Right No. 3317A-3.

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 4794C-3

I have this day, November 4, 2015, made a thorough examination of the water use system constructed by Terry Wieting, 870 Beach Avenue NE, Huron, SD 57350 of Permit No. 4794C-3, bearing the priority of April 9, 1981 and April 1, 1987 authorizing the diversion of 1.34 cu. ft. per second of the waters of Tulare:Western Spink Hitchcock aquifer for irrigation purposes, in Beadle County.

Inspection contact & relationship **Terry Wieting**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Well #1 – Riverside Drilling in 1981 & Well #2 – Pullman Drilling in 2007
- 2) No. of Wells 2
- 3) Depth(s) 74 & 73 feet
- 4) Well log is available Yes If no, explain in comments

Casing:

- 1) Diameter 16 and 8 inches
- 2) Length 39 & 63 feet
- 3) Type plastic

Screen:

- 1) Type stainless steel & plastic
- 2) Length 35 & 10 feet
- 3) Static water level 20 (both) feet

Pump:

- 1) Make Submersible
- 2) Capacity 400 & 200 * GPM

* Based on information provided by Mr. Wieting. The 1991 inspection of Water Permit No. 3317A-3 in 1991 found just one well equipped with a turbine pump. A second well was authorized in 2006 under SDCL 46-5-13.1 and drilled in May 2007. The pump in the original well appears to have been replaced with a submersible pump and a submersible pump installed in the additional well drilled in 2007.

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

- 1) Type underground 2) Size 8 inches 3) Length approx. 780 feet

Comments: **Well #1 is approximately 280 feet west from pivot center. Well #2 is located another 500 feet to the northwest of the original well and water is conveyed by underground pipe to the pivot center.**

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length approx. 1,300 feet when extended and 1,050 feet when cornering system is retracted
- 3) Number of towers 5 tower with cornering system
- 4) End gun Yes
- 5) Capacity 600 GPM
- 6) Comments: The pivot has been replaced or altered since Lynn Beck conducted a licensing investigation of Water Permit No. 3317A-3 in 1991. The system present on November 4, 2015 was a 5 tower Valley system with a cornering system. Presumable the cornering system is extended for most of the rotation but retracted when the pivot is in the north portion of its rotation due to the creek and topography along the northern edge of the pivot rotation.

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes

If no, describe:

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes – the 2015 questionnaire report 124 acres being irrigated.

List any extended period of nonuse: none

- 3) Exceptions to compliance are: none

E. Condition and Location:

1. The system is in good, condition with the point(s) of diversion located as follows:

all from the southwest corner of Section 26, T113N, R62W

Well No. 1 - 1,260 feet south and 1,040 feet east (Latitude. 44.57110 Longitude -98.25677)

Well No. 2 1,050 feet south and 890 feet east (Latitude 44.57170 Longitude -98.25747).

The works are capable of diverting and conveying to the place of use 1.34 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreagelegal description/acreage

All in Section 26, T113N, R62W

NW ¼ NW ¼ 29.0 acres

NE ¼ NW ¼ 29.0 acres

SW ¼ NW ¼ 33.0 acres

SE ¼ NW ¼ 33.0 acres

comprising a total of 124 acres of land and the license should be issued for 1.34 cfs.

The priority date assigned as follows:

December 15, 1976 --- 1.3 cfs and irrigation of 90 acres (established by Water Permit No. 3317-3)

April 1, 1987 --- 0.04 cfs and 14 acres (established by Water Right No. 3317A-3)

April 9, 1981 --- no diversion rate authority and 20 acres (established by Water Right No. 4722-3 which was incorporated into Water Right No. 4794-3)

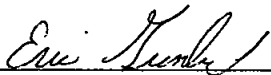
The issuance of Water Permit No. 4794C-3 did not provide the correct priority date breakdown between Water Permit No. 3317-3 and 3317A-3

2. All structures, wells and lands on map Yes

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

Water Permit No. 4794C-3 incorporated Water Right No. 3317A-3. The issuance of Water Permit No. 4794C-3 only recognized one well be used to supply the center pivot. However, in December 2006, Mr. Wieting made a request for an additional point of diversion since the original well's production had reduced to 400 gpm. That request for an additional point of diversion was granted. Based on this, two wells are authorized by Water Permit No. 4794C-3.

Permit No. 4794C-3 was not given a time periods to complete construction and place water to beneficial use since the additional 20 acres were already being irrigated. Therefore no notice of completion of works and application of water to beneficial use form is necessary.

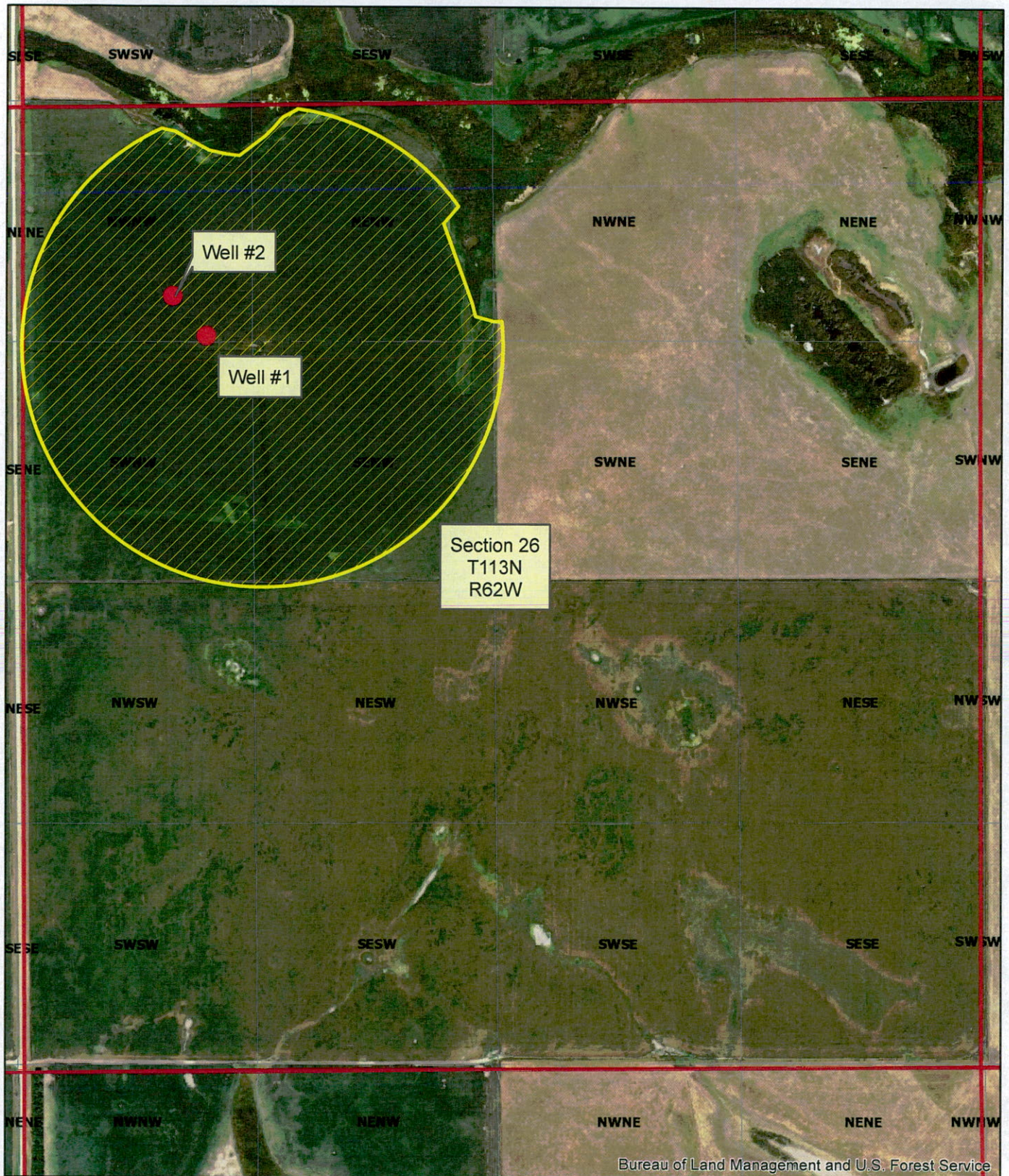


Eric Gronlund

Water Rights Engineer

DENR, Water Rights Program

Date report completed: January 8, 2016



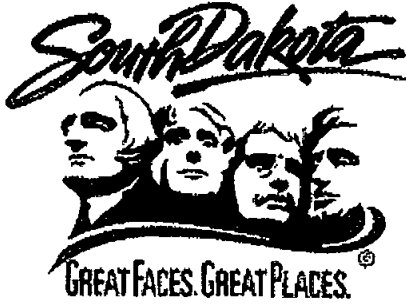
Well No. 1 - 1,260 feet south and 1,040 feet east
 Well No. 2 - 1,050 feet south and 890 feet east
 all from the northwest corner of Section 26, T113N, R62W
 No 1 Latitude. 44.57110 No. 2 Latitude 44.57170
 Longitude -98.25677 Longitude -98.25747

920 460 0 920 Feet



Eric Gronlund

Eric Gronlund
 Water Rights Program, DENR
 Date of Inspection - November 4, 2015



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 24 2016

4794C-3

Terry Wieting
870 Beach Ave NE
Huron SD 57350

Dear Mr. Wieting:

Enclosed is Water License No. 4794C-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4794C-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4794C-3**

(1) Terry Wieting, 870 Beach Ave NE, Huron SD 57350 made Application No. 4794C-3, May 8, 2015 for a water permit to amend Water Right No. 4794-3 by transferring 20 acres in the SW ¼ Section 4, T113N, R62W to the NW ¼ Section 26, T113N, R62W. This effectively increased the acreage irrigated under Water Right No. 3317A-3 from 104 to 124 acres.

Approval of Water Permit No. 4794C-3 incorporated the applicable portions of Water Right No. 3317A-3 authorizing a total diversion of 1.34 cubic feet of water per second (cfs) from ground water (Tulare Western Spink Hitchcock Aquifer) located in Beadle County, South Dakota for irrigation purposes. Permit No. 4794C-3 was approved July 27, 2015 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Issuance of Water Permit No. 4794C-3 recognized one well to be used to supply the center pivot system. In December, 2006, under SDCL 46-5-13.1, the Chief Engineer authorized an additional point of diversion with no increase in the water appropriation.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.34 cubic feet of water per second for beneficial use. The location of the diversion points are:

- Well No. 1 – 1,260 feet south and 1,040 feet east of the SW corner of Section 26, T113N, R62W (NW ¼ NW ¼);
- Well No. 2 – 1,050 feet south and 890 feet east of the SW corner of Section 26, T113N, R62W (NW ¼ NW ¼).

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

T113N, R62W Section 26	NW ¼ NW ¼	29 acres
	NE ¼ NW ¼	29 acres
	SW ¼ NW ¼	33 acres
	SE ¼ NW ¼	33 acres
	Total	124 acres

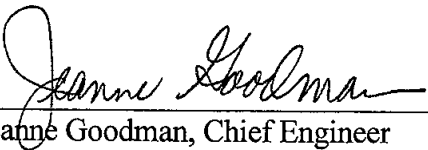
Priority dates: *December 15, 1976 for 1.30 cfs and 90 acres (established under Water Permit No. 3317-3)
April 1, 1987 for 0.04 cfs and 14 acres (established under Water Right No. 3317A-3)
April 9, 1981 for 20 acres (established under Water Permit No. 4722-3, Incorporated into No. 4794-3 and transferred to No. 4794C-3)*

(4) Pursuant to South Dakota Water Law 46-5-30.1 Terry Wieting, 870 Beach Ave NE, Huron SD 57350 the holder and/or owner of Water Right No. 4794C-3 is issued a license to appropriate water, the right to use 1.34 cubic feet of water per second from ground water, two wells (Tulare Western Spink Hitchcock Aquifer) with priority dates of December 15, 1976, April 1, 1987 and April 9, 1981 from the locations 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. 4794C-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- Water Permit No. 4794C-3 incorporates Water Right No. 3317A-3.



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

FEB 24 2016

date

