

~~and should be in well - ration~~
~~log~~

1. Considered: JUNE 9, 1982 Water Right No. 4895-3
2. Name of Applicant BILL B. BOYER
3. Post Office Address RR 2 - Box 54 - HAWARDEN 51023
4. Amount of Water Claimed 2.1 maximum acre feet
5. Source of Water Supply SIoux RIVER ~~SAND~~
6. Water to be used for IRR acres to be irrigated 145
7. County UNION about 4E miles of Albion
8. PROOF OF PUBLICATION: Received 6-2-82 Not Received
- APPLICATION: Approved 6-9-82 Subject to IQ
- Not Approved Action Deferred

PRIORITY

4-2-82

Dated Received 4-2-82 Application complete-yes no FEE 250⁰⁰

Remarks Called Boyer and said to remove well, no log. not sure if will put it in also would be deeper than where sample come from. Wrote letter verifying removal 5/3/82 pm

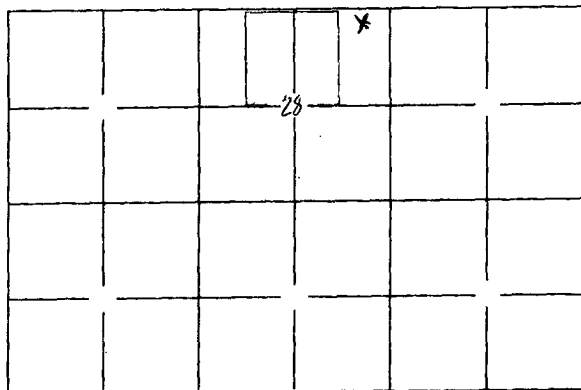
Corrected Application received 5/3/82 pm Period of Annual Use April to Sept

WATER
QUALITY

Received yes no APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application-yes no Remarks

Disapproved Returned



Diversion Point from Sioux River
in NE⁴ NE⁴ Section 28 -
T95 N - R 48 W

Land to be irrigated
E 1/2 NW⁴ & W 1/2 NE⁴, Sec 28 -
T95 N - R 48 W

WELL LOG

Driller _____ Licensed - yes _____ no _____

Depth _____

Remarks No well - may drill at a later date

MAP Map No. Aerial Map located in Water Right ✓ Map file _____
Type of Map Aerial Prepared by De Smet

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

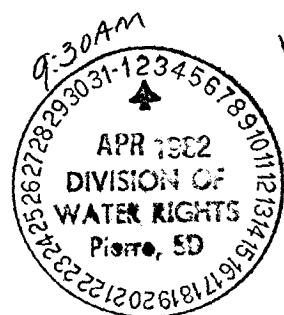
5/11/82

De Smet
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
DECISIONS adopted _____
ETC. Remarks _____

No. 4895-3Map No. 4099-3 Water Division No. 3 BIG SIOUX RIVER DistrictAbove for Office Use 101 70203

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Bill B. Boyer Phone No. 547-2058Post Office Address RR 2 Box 54 Hawarden, State Iowa 51023
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work Boyer #14. Amount of water claimed (cubic feet per second) 2.1 CFS5. Source of water supply Sioux River ~~or a well~~6. Location of point of diversion River Diversion North West Corner of Sect. 28 95 North 48 Westwell-~~SE 4~~ Sec 28-95-48 Virginia TownshipCounty UNION7. Annual period or periods during which water is to be used April to September8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 145

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

Land Description	No. Acres Irr.
95-48 Sec 28 NW $\frac{1}{4}$ of NE $\frac{1}{4}$	40
95-48 Sec 28 SW $\frac{1}{4}$ of NE $\frac{1}{4}$	40
95-48 Sec 28 NE $\frac{1}{4}$ of NW $\frac{1}{4}$	40
95-48 Sec 28 SE $\frac{1}{4}$ of NW $\frac{1}{4}$	25

Virginia Township

Attach sheet if more space is needed

Land Description	No. Acres Irr.

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 24 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Alcester Union

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Electric Desil 1000 gal pump

B. Works proposed to transport water to place of use.

8" PVE Pipe

C. Works proposed to apply water to beneficial use.

145 acre center pivot

Estimated Total Cost \$ 60,000.00

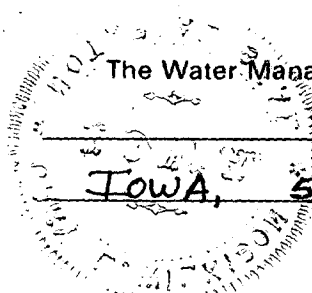
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of UNION)ss.I, Bill B. Boyer the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Bill B. BoyerSubscribed and sworn to before me this 31 day of March, 19 82

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL



The Water Management Board hereby approves Water Right Application No. 4895-3

BILL B. BOYER

(Applicant)

RR 2 - Box 54, HAWARDEN

(Post Office Address)

IOWA, 51023

(State)

With the following qualifications.

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

Date of first receipt of application April 2, 1982

Date of return to applicant for correction, amendments or changes required April 5, 1982

Date of receipt of corrected application May 10, 1982

Approved June 9, 1982, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4895-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4895-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is April 2, 1982
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before December 9, 1984
3. The whole of said work is to be completed on or before June 9, 1987
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is June 9, 1991
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.10 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before June 9, 1991; said water to be used during the following described

annual period: April 1st thru September 31st

Witness my hand this 24th day of June, 1982

THE WATER MANAGEMENT BOARD

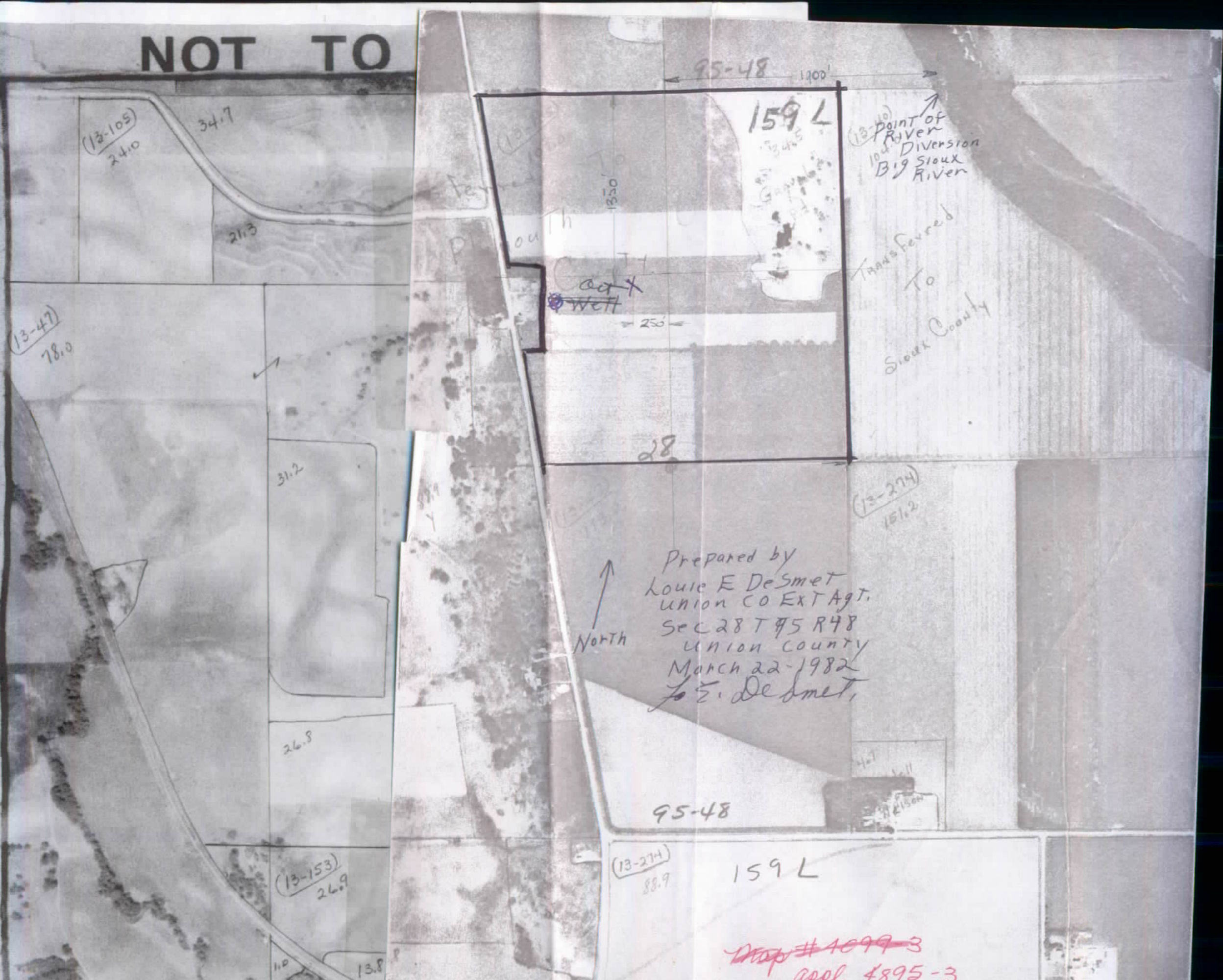
By: John H. Hult

Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

NOT TO



(13-105)
24.0

34.7

21.3

(13-47)
78.0

31.2

26.8

(13-153)
26.9

11.0

13.8

Transferred

Plymouth

Well

250

28

North

Prepared by
Louie E DeSmet
Union CO Ext Agt.
Sec 28 T 95 R 48
Union County
March 22-1982
L. E. DeSmet,

95-48

(13-274)
88.9

159 L

~~Map # 4099-3~~
2000 4895-3

95-48 1900'

159 L

(13-10) POINT OF RIVER DIVERSION
BIG SIOUX RIVER

Transferred To
SIOUX COUNTY

(13-274)
151.2

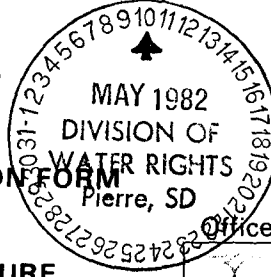
427
Well

CONSERVATION COMMISSION
WI#1
9/81

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



Office Use Only

OWNERS NAME: Bill Boyer OWNERS ADDRESS: Rt 2, Box 56

Hawarden, IA 51001

COUNTY LAND LOCATED IN: Union PHONE: 547-2958

TENANT'S NAME AND ADDRESS: _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, A COPY OF SUCH CONDITIONAL SOIL/WATER COMPATIBILITY PERMIT MUST BE FILED WITH THE COUNTY REGISTER OF DEEDS. THIS ACTION MUST BE TAKEN BY THE HOLDER OF A WATER PERMIT WITHIN 6 MONTHS OF RECEIPT OF SUCH WATER PERMIT.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION: NW 1/4 NE 1/4 23-95-48 *well sitting new H²O*

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: Sioux River - NW corner of *28-48*

Legal Description	Acres	Legal Description	Acres
SW 1/4 NE 1/4 23-95-48	40		
NW 1/4 NE 1/4 23-95-48	40		
NE 1/4 NW 1/4 23-95-48	40		
SE 1/4 NW 1/4 23-95-48	25		
145			

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

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

6. CROPS TO BE IRRIGATED: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 82-0788

2300

8. SALINITY (EC X 10⁶): 2.40

9. SODIUM (SAR): 6.54 (4.57)

10. ADJUSTED (SAR): _____

Sioux River Only

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 11:00 a.m./p.m., on Thu 3-25-82 19 82, at the following location:

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

20 DAY OF April, 19 82

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

Conditional Approval

#3059

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT: Bill BoyerLEGAL DESCRIPTION: W $\frac{1}{2}$ NE $\frac{1}{4}$ 28; E $\frac{1}{2}$ NW $\frac{1}{4}$ 28; all in 95-48 = 145 acresSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

The ⁹ gravel pit can not be irrigated. Area indicated by red hatch marks on map.

THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

RECOMMENDED MANAGEMENT:Land M. F. Field
SIGNATURE

DATE

April 6, 1982



Bill B. Boyer
RR 2, Box 54
Hawarden, Iowa 51023

Dear Mr. Boyer:

Enclosed is your copy of the laboratory report of analysis for water sample No. 82-0788.

I have plotted the approximate quality of your water by means of a red cross in the chart located on the back cover of the accompanying AES pamphlet #13.

Sample No. 82-0788 is classified as a very high saline, medium sodic water. It is marginally suitable as a source for irrigation due to the presence of substantial amounts of calcium-sulfate and sodium-sulfate salts.

Irrigation application rates should exceed crop requirements. This will allow some of the heavy salt dissolved in your water to pass through the soil rooting zone (top two feet).

There appears to be some discrepancy over the legal description of the land that you wish to irrigate and the map of this area. I assume that you intend to develop the NW 1/4 of the NE 1/4 of Section 28-95-58, the SW 1/4 of the NE 1/4 of Sec. 28-95-48, NE 1/4 of the NW 1/4 of sec. 28-95-48, and the SE 1/4 of the NW 1/4 of Sec. 28-95-48. I noticed on your soils map that the NW 1/4 of the NW 1/4 of Sec. 28 was also included in the area to be irrigated. Please clarify this situation by return mail.

The Kennebec silty clay loam, the Enet loam, Alcester silt loam, and the Graceville silty clay loam found in the N 1/2 of Sec. 28-95-48 are compatible with the quality of your water. However, the Shindler clay loam located in the NW 1/4 of the NW 1/4 of Sec. 28 is a steeply sloping soil and should not be irrigated.

If a salt build-up does occur under irrigation, please contact your county extension agent or this office for assistance.

Mr. Boyer
April 6, 1982
Page 2

The WI-1, soils information, and a copy of the water analysis are being forwarded to the Division of Conservation for their action.

Sincerely yours,

Michael H. Sanders
Water Quality Lab
Division of Conservation

MHS:ckb
Enclosures
cc: Division of Conservation
D. Pahl, Extension Service
Division of Water Rights

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

Name: BOYER, BILL B
Address: RR2, BOX 54
HAWARDEN IOWA

Date Rec'd: Mar 26, 1982
Sample No.: 82-0788
Identification: Well
095N 48W 28 a

WATER ANALYSIS

Calcium (Ca)	288	ppm*	14.37	me/l**
Magnesium (Mg)	86	ppm	7.07	me/l
Sodium (Na)	181	ppm	7.87	me/l
Potassium (K)	25	ppm	0.64	me/l
Sulfate (SO4)	1132	ppm	23.57	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	31	ppm	0.87	me/l
Bicarbonate (HCO3)	303	ppm	4.96	me/l
Carbonate (CO3)	0	ppm	0.00	me/l
Iron (Fe)		ppm		me/l
Flouride (F)		ppm		me/l
Manganese (Mn)		ppm		
Boron (B)	0.62	ppm		
Hardness (EDTA asCaCO3)		ppm		g.p.g.***
Total solids		ppm		
Total Cations			29.95	me/l
Total Anions			29.40	me/l
Alkalinity (Methyl Orange)	248	ppm(as CaCO3)		
Alkalinity (Phenolphthalein)	0	ppm(as CaCO3)		
Electrical Conductivity	2300	micromhos per cm at 25 C		
Sodium Adsorption Ratio	2.40	Adjusted SAR	6.53	
Sodium	26.27	% of Cations		
Residual sodium carbonate	0.00	me/l		
pH	7.51			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS

By: Shirley Mittan

Service Performed:
Irrigation Analysis

Total Cost: \$ 28.00
Amount Received: 0.00
Balance Due: 28.00

Make checks payable to: "SDSU Water Quality Lab"

Please write lab number on your check!

Lab No. 82-0788



RECEIPT

WATER RIGHTS COMMISSION

No 4 8791

State of South Dakota

PIERRE, April 2, 1982

RECEIVED OF Bill Boyer, RR#2, Box 54, Hawarden, Iowa 51023

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

Fee for Application for Permit to Appropriate Water No. 4895-3 (examination, processing, recording and filing)	250	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	250	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH (ms)

No. 4895-3

Publish first publication, on or before May 20, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 11, 1982

Notice is hereby given Bill B. Boyer whose post office

address is RR #2, Box 54, Hawarden IA, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 (~~ground~~) ~~46-6-3 thru 46-6-5, 46-6-6, 46-6-10, 46-6-13, 46-6-14, (future use) 46-5-28; (transfer lands) 46-5-22 thru 46-5-25 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (future use) 74:02:01:23 thru 74:02:01:26 (10,000 AFA) 74:02:07:01 thru 74:02:07:09~~, for a permit to appropriate for beneficial use

2.1 cubic feet of water per second of time from the Sioux River through the Boyer #1, the point ~~(s)~~ of diversion which is ~~(are)~~ to be located in the NE 1/4 NE 1/4

of Section 28, Twp. 95N, Range 48W. Said water to be used for purpose of providing irrigation on portions of the following described land:

E 1/2 NW 1/4 and W 1/2 NE 1/4, Section 28, T95N, R48W

This Application No. 4895-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Bldg. Church & Illinois, Pierre SD upon the 9th day of June, 1982.

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

cc: applicant

BENNY YOUNG

BEATTY WESTLUND, Water Rights Specialist

WNR-806-2/82

No. 4895-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Maryetta Brase hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Alcester Union

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

city of Alcester

County of Union and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

May 20, 1982
May 27, 1982

Maryetta Brase
(Signature)

Brase
(Title)

May 27, 1982
(Date Signed)

Cost of Printing: 20.25
65 lines x 17.3 first run
80% second time

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE
WATER

Pierre, South Dakota, 57501
May 11, 1982.

Notice is hereby given Bill B. Boyer whose post office address is RR 2, Box 54, Hawarden, IA, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 and the Board Rules ARSD 74:02:01:01 thru 74:02:01:15, for a permit to appropriate for beneficial use 2.1 cubic feet of water per second of time from the Sioux River through the Boyer No. 1, the point of diversion which is to be located in the NE 1/4 NE 1/4 of Section 28, Twp. 95N, Range 48W. Said water to be used for purpose of providing irrigation on portions of the following described land: E 1/2 NW 1/4 and W 1/2 NE 1/4, Section 28, T95N, R48W.

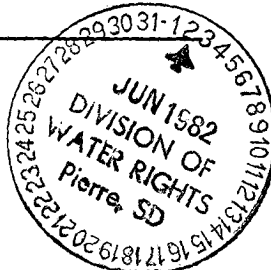
This Application No. 4895-3 will be considered by the Water Management Board at Meeting Room No. 1, Knelp Bldg. Church & Illinois, Pierre, SD, upon the 9th day of June, 1982, at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

The hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board
Genny Young
Water Rights Specialist

Publish May 20 & 27, 1982





Department of Water & Natural Resources

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

March 26, 1986

NOTICE

Bill Boyer
RR 2, Box 54
Hawarden, IA 51023

Re: Violation of Water Permit No(s). 4895-3

Our records indicate that the 1985 Irrigation Questionnaire has not been received for Water Permit No(s). 4895-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4895-3 qualification:

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

The hearing(s) will be at 2:00 p.m., May 14, 1986, Joe Foss Building, Room 216, Pierre, South Dakota. The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4895-3 until either the 1985 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

Sincerely,

John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

May 16, 1986

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Bill Boyer
RR 2, Box 54
Hawarden IA 51023

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

*John Hatch
by Del Brong*

SUBJECT: One Year Suspension of Water Permit No(s). 4895-3
If the 1985 Irrigation Questionnaire Is Not Received By
June 1, 1986

Pursuant to the provisions of the notice dated March 26, 1986 and following the Hearing May 14, 1986, the Water Management Board ordered:

That Water Permit No(s). 4895-3 be suspended until December 31, 1986, unless the required 1985 Irrigation Water Use Questionnaire is received by June 1, 1986.

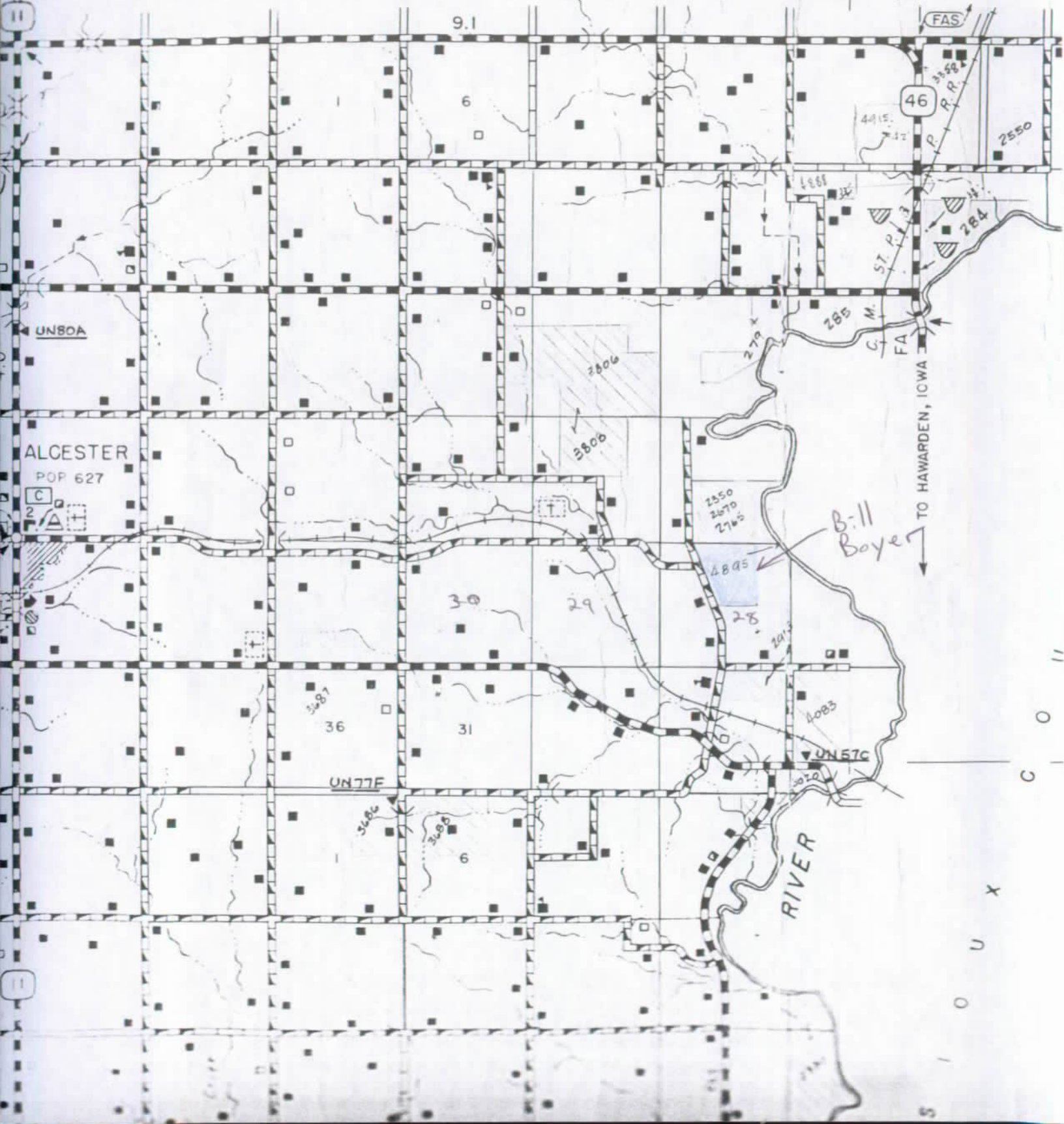
Suspension of a permit means water may not be pumped during the 1986 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Equal Opportunity Employer

49 W

R 48 W

C O U N T Y



Conversation or File Documentation

NAME OF PERSON OR FILE: Bill B. BoyerADDRESS: RR 2 Box 54 Hawarden, Iowa COUNTY UnionDATE: July 2, 1986 7:15 pm TELEPHONE _____RE: Suspended Irrigation Water Permits/rights for 1986 Irrigation season

COMMENTS:

Center pivot system present on land in question (W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ sections 28-45-48). Could not tell if pivot system has been used during the 1986 irrigation season

Corn is planted in pivot area.

Could not locate Mr. Boyer, should contact him by telephone.

It appears that Mr. Boyer plans to irrigate this summer.

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

NAME: David S. Brown

NOT TO

95-48

159 L

Point of
River
Diversion
Big Sioux
River

Transferred
To
Sioux County

cut
well

North

Prepared by
Louie E Desmet
Union CO EXT Agt.
Sec 28 T 45 R 48
Union County
March 22-1982
L E. Desmet,

~~Map # 1099-3~~
Appl # 4895-3

(13-105)
24.0

34.7

21.5

(13-105)
101.0

(13-47)
78.0

31.2

28

(13-274)
151.2

26.8



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 7, 2005

4895-3

Bill B Boyer
4162 Birch Ave
Hawarden IA 51023

Dear Mr. Boyer:

On July 26, 2005 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 4895-3, was completed by Lynn Beck, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 3, 20 05

RECEIVED OF Bill Boyer, 4162 Birch Ave., Hawarden IA 51023

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. <u>4895-3</u>		
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	50.00

No.

001981

By

Darlene White
Chief Engineer

Permit No. 4895-3
Big Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, July 26, 2005, made a thorough examination of the water use system constructed by Bill B. Boyer of 4162 Birch Ave, Hawarden IA 51023 holder of Permit No. 4895-3, bearing the priority of April 2, 1982 authorizing the diversion of 2.10 cu. ft. per second of the waters of Big Sioux River for irrigation purposes, in Union County.

Inspection contact & relationship **Bill Boyer – owner (712) 552-2308**
to permit holder, if applicable:

A. Works used to divert the water:

River Diversion Point Information:

Pump:

- 1) Make Berkley
- 2) Model
- 3) Size
- 4) Capacity 800 GPM

Motor:

- 1) Make GE
- 2) Model No.
- 3) Horsepower rating 50 hp

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

- 1) Type pvc
- 2) Size 8 inches
- 3) Length 2250 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
- 2) Overall length 1235 feet
- 3) Number of towers 7
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate no

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:

The system is in good condition with the point(s) of diversion located as follows: 4650' E of the NW corner Section 28-T95N-R48W. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 28-T95N-R48W:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 34 ac.

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 30 ac.

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 24 ac.

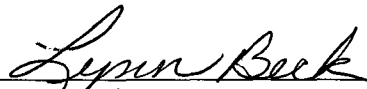
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 22 ac.

Comprising a total of 110 acres of land and the license should be issued for 1.57 cfs.

All structures, wells and lands on map yes

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

The statutory limit for 110 acres is 1.57 cfs.



Lynn Beck

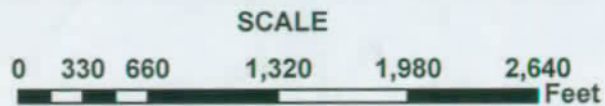
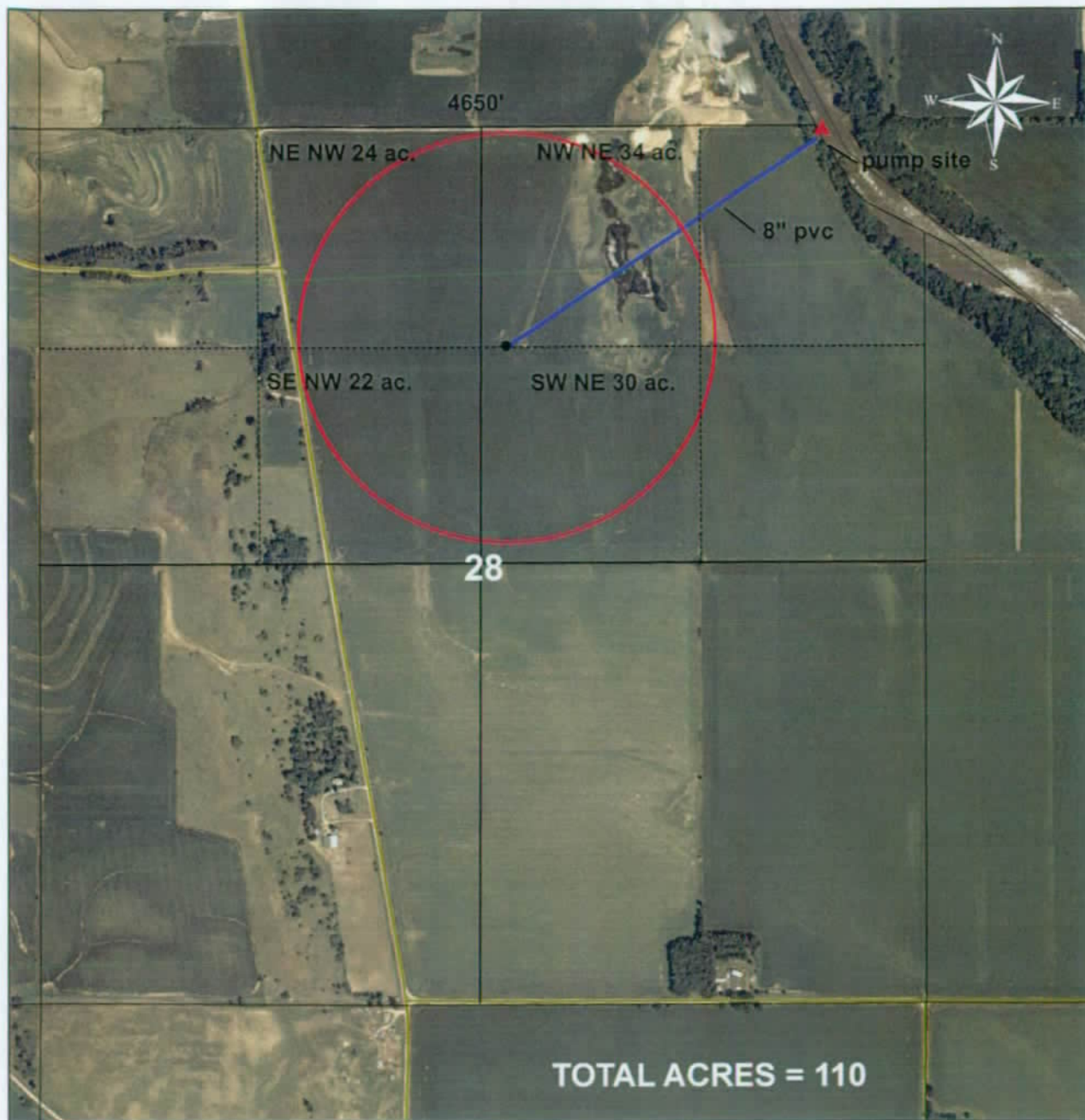
Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: August 17, 2005

Lat: 43.06533
Long: -96.480778

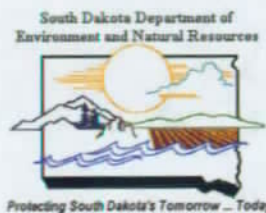
WATER RIGHT NO. 4895-3
BILL B. BOYER

R48W



Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program
August 17, 2005



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4895-3

(1) Bill B Boyer, 4162 Birch Ave, Hawarden IA 51023 made Application No. 4895-3, April 2, 1982 for a water permit to divert 2.10 cubic feet of water per second from the Big Sioux River, Union County, South Dakota for irrigation purposes. Permit No. 4895-3, with a priority date of April 2, 1982 was approved June 9, 1982 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 9, 1987 and for the application to beneficial use of water on or before June 9, 1991.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 4895-3 is issued a license, bearing a priority date of April 2, 1982 to appropriate 1.57 cubic feet of water per second from the Big Sioux River to irrigate 110 acres.

The diversion point is located: 4650 feet east of the northwest corner of Section 28-T95N-R48W (NE ¼ NE ¼). The acres authorized for irrigation are as follows:

Section 28-T95N-R48W	NW ¼ NE ¼	34 acres
	SW ¼ NE ¼	30 acres
	NE ¼ NW ¼	24 acres
	SE ¼ NW ¼	22 acres
Total 110 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 4895-3 including the following now applicable qualification:

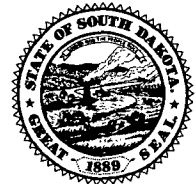
This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

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

OCT 13 2005

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 13 2005

4895-3

Bill B Boyer
4162 Birch Ave
Hawarden IA 51023

Dear Mr. Boyer:

Enclosed is Water License No. 4895-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 001981 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



4895-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 6, 2012

Dear Water Right Holder;

Due to low flows I am advising water right holders on the Big Sioux River of the possibility of shutoff orders in 2012 for the river reach from Watertown through Sioux Falls. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Big Sioux River basin remain well below the historical average. The forecast for improved conditions for the near future is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 159 stream gauging stations across the state including three gages sites on the Big Sioux River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

Thank you for your cooperation. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on August 6, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 6, 2012 regarding shut off warnings on Big Sioux River addressed as stated below:

permitno	fname	lname	addrss2	city	state	zip
1696-3	DONALD G	AHLERS	22920 SD HWY 13	FLANDREAU	SD	57028
5530-3	TERRY & DENISE	ANDERSON	47558 237TH ST 26534 N SHORE PLACE	TRENT	SD	57065
6192-3	BERNE B	BAHNSON	PO BOX 366	HARTFORD	SD	57033
3806-3	BERNARD	BERGDALE	47948 232ND ST	ALCESTER	SD	57001
1175-3	HAROLD	BOEVER	4162 BIRCH AVE	FLANDREAU	SD	57028
4895-3	BILL B	BOYER	403 16TH ST	HAWARDEN	IA	51023
284-3	LUKE	BOYER, MGR	24482 482ND AVE	HAWARDEN	IA	51023
7110-3	BRIAN	BURKHART	32650 480TH AVE	DELL RAPIDS	SD	57022
5760-3	BRIAN	CHICOINE	29509 488TH AVE	ELK POINT	SD	57025
2255-3	JAMES H	COLE	47364 GOLF VIEW DR	HUDSON	SD	57034
6124-3		DELLS ROCKY RUN GOLF COURSE		DELL RAPIDS	SD	57022
4969-3	JOHN GILMAN	FRAZIER FARMS	BOX 423	PARKSTON	SD	57366
4969-3	JOHN TROY D & SANDY F	GILMAN	4162 BIRCH	HAWARDEN	IA	51023
249-3	DARREN & ALLISON	HAHN	6762 SMITH DR	WENTWORTH	SD	57075
2065-3		HAMILTON	22615 480TH AVE	FLANDREAU	SD	57028
2952-3, 956-3	WAYNE	HEADRICK	47926 SD HWY 32	FLANDREAU	SD	57028
279-3	ROBERT	JAGER, MGR	48495 299th ST	HAWARDEN	IA	51023
1350-3, 6042-3	RAYMOND D	JENSEN	24348 478TH AVE	DELL RAPIDS	SD	57022
1302-3	LARRY J	JORGENSEN	24048 477TH AVE	TRENT	SD	57065
1500-3, 213-3	TED	LACEY	24064 478TH AVE	TRENT	SD	57065
	EUGENE	MOLLET	48011 332ND ST	JEFFERSON	SD	57038
3433-3	VIRGIL L	MOLLET JR	47991 334TH ST	JEFFERSON	SD	57038
1801-3	GAIL	MUNK	803 DAKOTA	DELL RAPIDS	SD	57022
113-3	PATTI	NASH	21660 469TH AVE	BROOKINGS	SD	57006
3914-3	OMAR F	PETTERSON	48378 276TH ST	CANTON	SD	57013
2350-3		RIVER VALLEY FARMS	PO BOX 486	ALCESTER	SD	57001
1801-3	HARVEY JOHN T & MELISSA R	SCHMIDT, OPERATOR	47528 244TH ST	DELL RAPIDS	SD	57022
1454-3		SCHUTTE	47973 W 5TH ST 47844 COUNTY RD 1B	CANTON	SD	57013
5814-3	PATRICK V	WALSH, OPERATOR	11726 NORWAY ST NW	ELK POINT COON RAPIDS	SD MN	57025 55448
597-3	DAN & JUDY	WHIPPLE WILLOW RUN MANAGEMENT COMPANY	8000 E HWY 42	SIOUX FALLS	SD	57110
5055-3		XCEL ENERGY	7100 E RICE ST	SIOUX FALLS	SD	57110
519-3A		NORTHERN STATES POWER COMPANY	414 NICOLLET MALL	MINNEAPOLIS	MN	55401
43-3, 519-3 5698-3, 6210-3	GREG ANDERSON	CITY SIOUX FALLS	224 W 9TH ST	SIOUX FALLS	SD	57102

Gail Jacobson

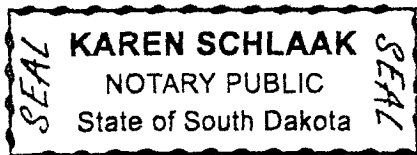
Gail Jacobson
Secretary/Water Rights

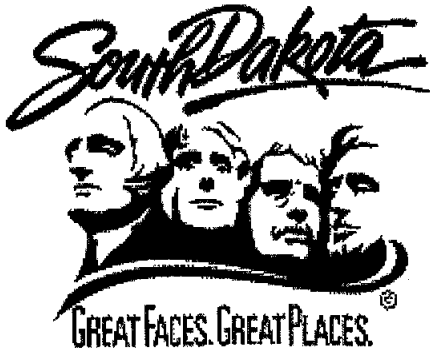
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of August, 2012.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 31, 2018

4895-3

BILL B BOYER
4162 BIRCH AVE
HAWARDEN IA 51023

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear MR BOYER,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

for Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 12, 2018

4895-3

Bill B Boyer
4162 Birch Ave
Hawarden IA 51023

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Mr. Boyer:

The SD Department of Environment and Natural Resources (DENR) has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux River water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. The water right you own or operate does not have a bypass qualification and will not be amended by the proposed action.

Even though your water right is not being amended, DENR wants to keep you informed of the proposed action since it involves the Big Sioux River. Enclosed is a notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. Also, the staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The enclosed notice provides information on the hearing and ability to file a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

Again, this does not pertain to amending your water right, only junior water right holders with existing bypass requirements. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,


Eric Gronlund

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

enclosure



4895-3

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

January 20, 2022

NOTICE

TO: BILL B BOYER, MGR, 4162 BIRCH AVE, HAWARDEN, IA 51023

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3358-3, 4895-3, 7798-3 & 7833-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 3358-3, 4895-3, 7798-3 & 7833-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3358-3, 4895-3, 7798-3 & 7833-3 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 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional 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: BWIXNA**

c: R & J VAN BEEK, LLC, 3687 460TH ST, ORANGE CITY IA 51041

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.

4895-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 7, 2022

3358-3
4895-3
7798-3
7833-3

Bill Boyer
4162 Birch Ave
Hawarden IA 51023

Dear Mr. Boyer:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right/Permit Nos. 3358-3, 4895-3, 7798-3 & 7833-3. 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