

1. Considered: June 9, 1982 Water Right No. 4897-3
2. Name of Applicant TIM BINGER *Eugene Y. Binger*
Residence Redwood
3. Post Office Address TULARE 57476
4. Amount of Water Claimed 4.57 maximum acre feet
5. Source of Water Supply 2 wells 150' deep (one proposed same area)
6. Water to be used for IRR acres to be irrigated 320
7. County SPINK about 6W miles of TULARE
8. PROOF OF PUBLICATION: Received 5-27-82 Not Received
APPLICATION: Approved 6/9/82 Subject to WI-IR
Not Approved Action Deferred

PRIORITY

Dated Received 3-8-82 Application complete-yes no FEE 325.00

Remarks may have to drill a second well will be in same area.

Corrected Application received Period of Annual Use 5/1 to 10/31

WATER
QUALITY

Received yes ✓ no APPROVED CONDITIONAL (Circle one)

WI-1 Description same as application-yes ✓ no Remarks

Disapproved Returned

				27	•

Diversion Point
NE⁴SE⁴ SEC. 27-T115-R65

Land to be irrigated
E¹/₂, SEC. 27-T115-R65

WELL LOG

Driller Pullman Well Dr. Licensed (yes) no

Depth 150⁺ ft

Remarks

MAP Map No. 4101-3 Map located in Water Right _____ Map file _____
 Type of Map Aerial Prepared by Bob Sampson

+++++

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:

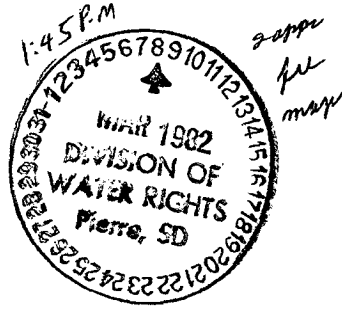
5/12/82

B. Westlund
 (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. 4897-3

Map No. 4101-3 Water Division No. 3-JAMES RIVER District
Above for Office Use 10160009

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 Tim Binger Phone No. 596-4295

Post Office Address Tulare Box 77 State South Dakota 57476
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation NO

2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor

3. Name of diversion work Tim Binger Irrigation Project

4. Amount of water claimed (cubic feet per second) 4.57 (maximum allowable)

5. Source of water supply 2 wells (one proposes in same area)

6. Location of point of diversion NE 1/4 SE 1/4 of Section 27-115-65

County Spink

7. Annual period or periods during which water is to be used May to October

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation

9. For irrigation use, Total number of acres to be irrigated 320

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.	Land Description	No. Acres Irr.
<u>E 1/2 of Section 27-115-65</u>	<u>320</u>		

Attach sheet if more space is needed

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 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Redfield Press

12. Principal Features of the Proposed Water Supply System.

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

Well & center pivot Pump

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

Eight inch main line

C. Works proposed to apply water to beneficial use.

Center Pivot Irrigation System

Estimated Total Cost \$ 65,000

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)
) ss.
County of Hughes)

I, Tim Binger 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 Tim Binger

Subscribed and sworn to before me this 8th day of March, 1982

Patty Westlund
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4897-3

TIM BINGER
(Applicant)
South Dakota 57476
(State)

RR#1, TULARE
(Post Office Address)

With the following qualifications.

The irrigation wells approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

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

Date of first receipt of application May 10 ~~XXXXXX~~, 1982

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application WQ May 10, 1982

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

WATER RIGHT PERMIT NO. 4897-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4897-3 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 May 10, 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 4.57 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: MAY 1 to October 31

Witness my hand this 23rd day of JUNE, 1982

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

D. Well Information

- (1) Drill Hole, Diameter 6 inch, Depth 150 feet
 (2) Casing, Type Plastic, Diameter 3 in., Thickness 1/4 inch
 (3) Screen, Type Plastic, Diameter 3 in., Length 60 feet
 (4) Gravel Pack, Thickness 3 in, Length of gravel pack 150 feet

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Attach a copy of test well log)

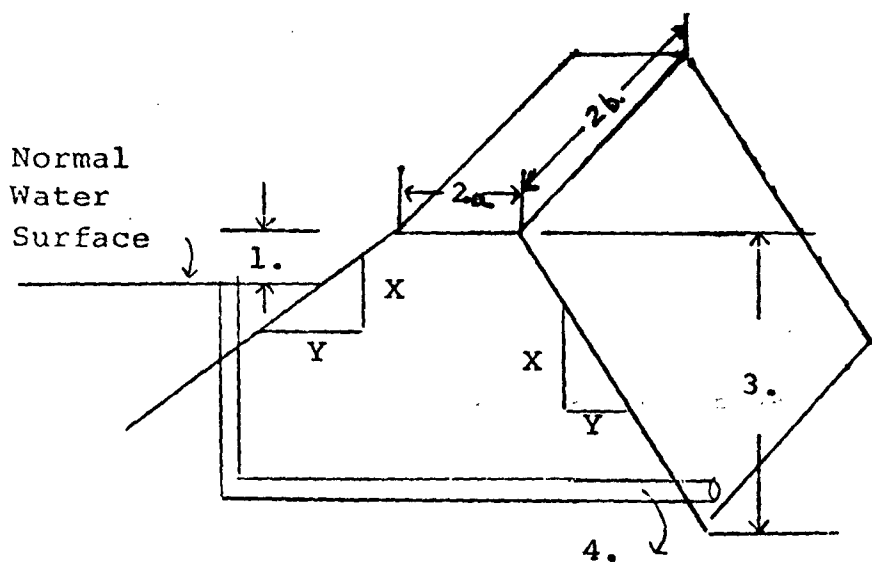
Depth to top of water bearing material 95 feet
 Depth to bottom of water bearing material 150 feet
 Depth to water (ground surface to water level) 160 feet

- (2) Distance to nearest existing household or livestock watering well.

On same owner's property 300 rds.
 On property owned by others 300 rds.

G. Water Storage Dams

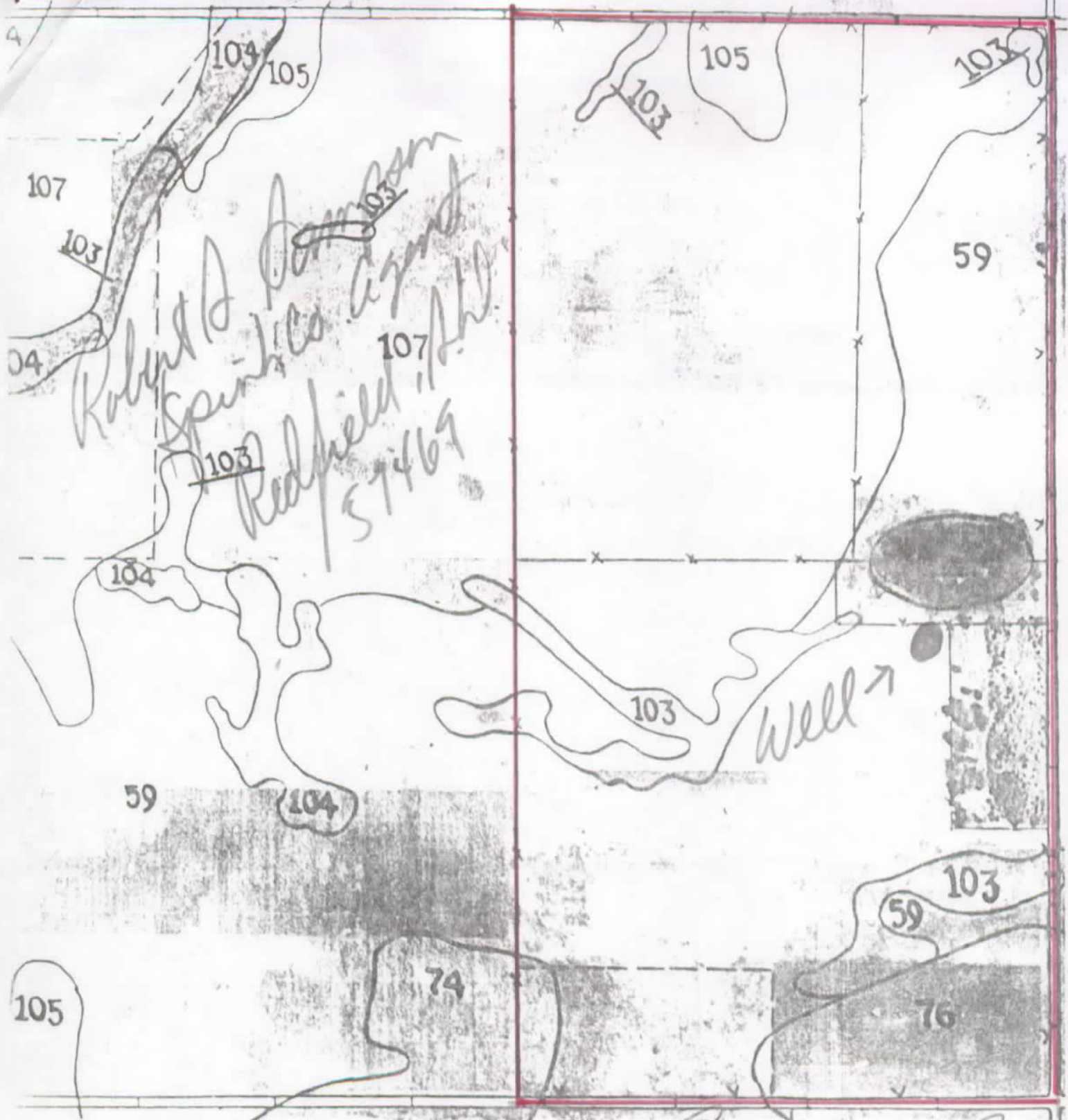
If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
 2a Crest width _____ b. length _____
 3. Height of Dam _____
 4. Outlet dimensions:
 Pipe diameter _____
 Spillway width _____
 X & Y slope:
 Upstream _____
 Downstream _____
 Surface area of impoundment _____
 Drainage area above dam _____

Jim Birge
 Signature of Applicant

LAKE T115N R65W S27



- W. 59 Hecla Sandy Loam, Nearly Level
(Good prospect for Sprinkle Irrigation) (0-2%)
- W. 107 Wessington Loam (Nearly Level (0-2%))
Good prospect for Sprinkle Irrigation
- W. 76 Harder Fine Sandy Loam (Thin Solum
undulating - 3-7%)
Fair for Sprinkle Irrigation
- 103 - Tetonko Silt Loam - poor for irrigation
- 105 - Twin Lake Wessington Loam (Nearly Level (0-2%))
Fair for Sprinkle Irrigation

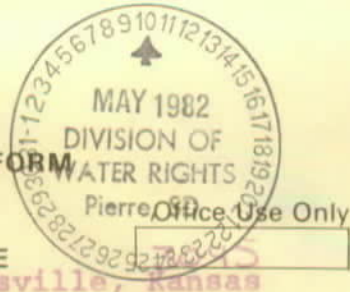
Robert Sampson - Sprinkle Agent - Redfield A.D.
57469

CONSERVATION COMMISSION
WI#1
9/81

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



OWNERS NAME: Eugene Meyer OWNERS ADDRESS: Rossville, Kansas

COUNTY LAND LOCATED IN: Spink PHONE: _____

TENANT'S NAME AND ADDRESS: Tim Binger
RR 1, Tulare, SD 57476

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: _____

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: NE 1/4 of SE 1/4 of Sec 27, T 115 N, R 65 W

Legal Description	Acres	Legal Description	Acres
<u>E 1/2 27-115-65</u>	<u>320</u>		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 1954

LEGAL DESCRIPTION: SW 1/4 27-115-65

IN WHAT NAME: Hans or Richard Jessen

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: XX GUN: _____ OTHER: _____ (Specify)

6. CROPS TO BE IRRIGATED: Alfalfa or corn

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

7. WATER SAMPLE NUMBER: 82-0763

8. SALINITY (EC X 10⁶): 750

9. SODIUM (SAR): 2.23

10. ADJUSTED (SAR): 5.14

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 _____ a.m./p.m., on _____, 19____, 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

13 DAY OF April, 1982.

(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

X ____ CONDITIONALLY APPROVED

Conditional#3045

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Eugene Meyer/Tim BingerLEGAL DESCRIPTION: SE 27-115-85 = 320 acresSOIL RESTRICTIONS:NE 1/4 of SE 27, T115N, R65WTHE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

#103 - The Tetonka soils is generally not suited to irrigation due to ponding and excess wetness. Also because of the water quality and the characteristics of this soil there is a potential for salt and sodium buildup. The large areas of this soil in the SE 1/4 of 27 will be kept in grass. Management should be aware of these potential problems with the pivot and farm machinery.

Even though this soil is generally not suited for irrigation small areas may be included in the irrigated area. These soils are indicated by red hatch marks.

RECOMMENDED MANAGEMENT:5-6-82
Tim Binger
SIGNATURE

DATE

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

Name: BINGER, T
Address: TULARE SD 57476

Date Rec'd: Mar 26, 1982
Sample No.: 82-0789
Identification: Well
115N 65W 27 d

WATER ANALYSIS

Calcium (Ca)	67	ppm*	3.34	me/l**
Magnesium (Mg)	15	ppm	1.23	me/l
Sodium (Na)	36	ppm	3.74	me/l
Potassium (K)	7	ppm	0.18	me/l
Sulfate (SO ₄)	38	ppm	1.83	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	14	ppm	0.39	me/l
Bicarbonate (HCO ₃)	376	ppm	6.16	me/l
Carbonate (CO ₃)	0	ppm	0.00	me/l
Iron (Fe)		ppm		me/l
Flouride (F)		ppm		me/l
Manganese (Mn)		ppm		
Boron (B)	0.20	ppm		
Hardness (EDTA asCaCO ₃)		ppm		g.p.g.***
Total solids		ppm		
Total Cations			8.50	me/l
Total Anions			8.39	me/l
Alkalinity (Methyl Orange)	308	ppm(as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm(as CaCO ₃)		
Electrical Conductivity	800	micromhos per cm at 25 C		
Sodium Adsorption Ratio	2.47	Adjusted SAR	5.65	
Sodium	44.02	% of Cations		
Residual sodium carbonate	1.58	me/l		
pH	7.53			

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: \$ 23.00
Amount Received: 23.00
Balance Due: 0.00

Make checks payable to: "SDSU Water Quality Lab"

Please write lab number on your check!

Lab No. 82-0789

April 5, 1982

Eugene Meyer
Rossville, KS 66533

Dear Mr. Meyer:

Enclosed is your copy of the laboratory report of analysis for water sample No. 82-0789.

I have plotted the approximate quality of your water by means of a red cross in the enclosed chart.

Sample No. 82-0789 is classed as a medium to high saline, low sodic water. It is suitable for irrigation.

This sample is nearly chemically identical to sample No. 82-0763.

The Hecla sandy loam, Houdek fine sandy loam, Wessington loam, and the Twin Lake-Wessington loams are compatible with the quality of your water. However, the Tetonka silt loam located in the N 1/2 of Section 27-115-65 may pond under irrigation. Persistent wet spots in this area should be maintained in grass or a grass/alfalfa mixture.

If a rising water table does occur under irrigation, please contact your county extension agent or this office for assistance.

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
Tim Binger, Tulare, SD



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8761

PIERRE, March 8, 1982

RECEIVED OF Tim Binger, RR#1, Tulare, South Dakota 57476

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

Fee for Application for Permit to Appropriate Water No. 4897-3 (examination, processing, recording and filing)	325	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	325	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH (ms)

Publish first publication, on or before May 19, 1982NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 12, 1982Notice is hereby given Tim Binger whose post office

address is RR #1, Tulare, 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, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (~~future use~~) 46-5-38: (~~transfer lands~~) 46-5-39 thru 46-5-39 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 74:02:07:03~~, for a permit to appropriate for beneficial use

4.57 cubic feet of water per second of time from groundwater (two wells) through the Tim Binger Irrigation Project, the point ~~(to)~~ of diversion which is ~~(are)~~ to be located in the NE 1/4 SE 1/4

of Section 27, Twp. 115N, Range 65W. Said water to be used for purpose of providing irrigation on portions of the following described land:

E 1/2 Section 27, T115N, R65W

This Application No. 4897-3 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

GENNY YOUNG

~~DEBORAH WESTLUND~~, Water Rights Specialist

WNR-806-2/82

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Spink

SS

I, Roger Matz, of said County and State, being first duly sworn on oath, say that the REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as Amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by the SPINK COUNTY PRINTING CO., INC., and has been such newspaper during the time hereinafter

mentioned, and that I, Roger Matz, the undersigned am editor 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:

Notice of Hearing on Application to
Appropriate Water

a printed copy of which is hereto attached, was printed and published in said newspaper in two successive issues, to-wit:

The first publication being made on May 19, 1982
2nd May 26, 1982 5th _____ 19_____
3rd _____ 19____ 6th _____ 19_____
4th _____ 19____ 7th _____ 19_____

that the full amount of the fee charged for publishing the same to-wit:

the sum of \$ 23.35, inures 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.

Roger Matz

Subscribed and sworn to before me this 26th day

of May 1982

Judy Matz
Notary Public, Spink County, South Dakota

(SEAL)

No. 7

NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Notice is hereby given Tim Binger whose post office address is RR No. 1, Tulare, 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, 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, for a permit to appropriate for beneficial use 457 cubic feet of water per second of time from groundwater (two wells) through the Tim Binger Irrigation Project, the point of diversion which is to be located in the NE 1/4 SE 1/4 of Section 27, Twp. 115N, Range 65W. Said water to be used for purpose of providing irrigation on portions of the following described land:

E 1/2 Section 27, T115N, R65W

This Application No. 4897-3 will be considered by the Water Management Board at Meeting Room No. 1, Kneip Bldg. Church and Illinois, Pierre, S.D. 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, DWRN, Joe Foss Building, Pierre, S.D., prior to the hearing date for assistance to assure

is 352-8421, ext. 331.
The Job Service Office phone number

5-24-82

CALL FROM DARRELL AMES, TULARE 472-1486

CALLED TO EXPRESS CONCERN ABOUT TIM BINGER APPLICATION #4897-3 AFFECTING HIS DUGOUT EXPLAINED TO HIM THAT THE IRRIGATION WELLS WERE TO BE 150' DEEP, AND WERE NOT IN THE SAME FORMATION AS HIS DUGOUT - WAS NOT PROTESTING THE APPLICATION, BUT WANTED TO BE ON RECORD THAT HE IS CONCERNED.

HE HAD WATER IN HIS DUGOUT LAST YEAR, BUT IT GOT PRETTY LOW - WAS AWARE THAT IT WAS RESULT OF DRY YEARS. INFORMED HIM OF ADEQUATE WELL.

HIS LOCATION SW⁴ SECTION 23, T115N, R65W -
BINGER APPL E² SEC 27, T115N, R65W

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office

Julian, 57476

Date

7-12-82

TO: Water Rights
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

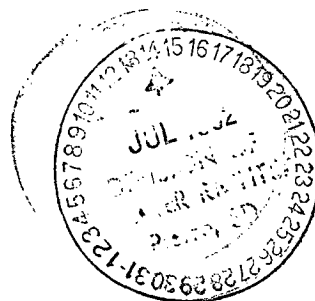
4897-3.

Water Right Permit No. 4897-3 states that the diversion system is to be constructed by _____, and that the water is put to beneficial use by _____.

The diversion system was completed on 7-2-82. Applying the water to beneficial use was completed on 7-2-82.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Jim Ringw
(Signature)





Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

March 7, 1984

N O T I C E

Dear Sir:

The Water Management Board has directed that all owners of Water Permits, not in compliance with the Permit qualification:

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

be notified of this requirement.

Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The Questionnaire was requested:

- 1) November, 1983 initial request
- 2) December, 1983 followup request

Owners of water permits not in compliance with the Irrigation Questionnaire qualification are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action including possible suspension of the permit on April 25, 1984 at 10:30 am in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD for all permits without questionnaires returned by April 2.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

March 15, 1984

Tim Binger
Route #1, Box 77
Tulare, South Dakota 57476

Dear Mr. Binger:

This letter will acknowledge receipt of and thank you for the return of your 1983 Irrigation Questionnaires. A notice was sent to you March 7, 1984 regarding the Irrigation Questionnaire submittal violation of Permit No. 4897-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation. Notice was also sent to you concerning possible Board action to amend Water Right No. 960-3 if the questionnaire was not received. Our records now show you have returned the 1983 Irrigation Questionnaire and are no longer in violation.

Please disregard the notices sent to you dated March 7, 1984. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

JH:GM:ms



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 4897-3

September 8, 1987

Tom Binger
Route 1, Box 77
Tulare, South Dakota 57476

Dear Mr. Binger:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 4897-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/

NOTE: On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ September 11, 1937

RECEIVED OF Tin/Shirley Binger, RR 1, Box 77, Tulare, SD 57476

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4097-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	50	00

By _____

Chief Engineer

JOHN HATCH (ms)

PLEASE COMPLETE
ENTIRE FORM

WELL DRILLERS REPORT
Division of Water Rights
Department of Water & Natural Resources

6/60

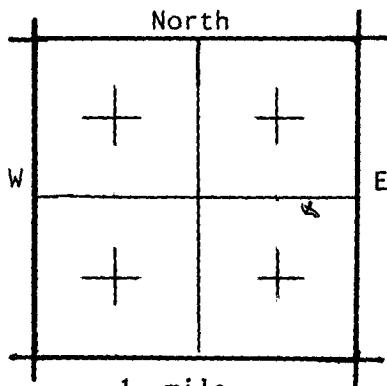
Well Owner:

Name Tim Binger

Address Farm Tulare, S.D.

Well Location:

Mark location
with an "X"



County Spink

4 4 4 Sec. 27 Twp. 115 Rg. 65W

Proposed Use:

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

Method of Drilling:

☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 5"
Depth 152'
Casing ☐ Steel ☒ Concrete

☒ Plastic ☐ Other
If other, specify _____

Was casing end left open NO
Was a well screen installed Yes
Describe Well Screen

Diameter 3" Material Plastic
Slot size .025

Was well gravel packed Yes
Was well grouted NO
Was water sample taken Yes

Remarks:

Water Level Information:

Static water level 16' below land surface

If flowing: closed in pressure _____ PSI
rate of flow _____ GPM

Controlled by:

☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Well Test Data:

☒ Pumped Air - 100 G.P.M.

☐ Bailed Describe: _____

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM
_____ " " _____ " " _____ "
_____ " " _____ " " _____ "

Well Log:

Formation	Depth	
	From	To
Top Soil	0	5
Yellow Clay Sand	5	20
Med. Fine Gray Sand	20	40
Fine Sandy-Blue Clay	40	90
Med. Fine Sand	90	95
Med. Sand	95	100
Med.-Fair Sand	100	140
Med. Sand	140	155
Total Depth	152	

(Use Back if Necessary)

Date Completed: March 4, 1982

Driller:

Pullman Well Drilling 440
Driller's or Firm's Name License NO.

P.O. Box 188, Wolsey, S.D. 57384

Address

Jaraine Pullman March 5, 82
Signed By Date

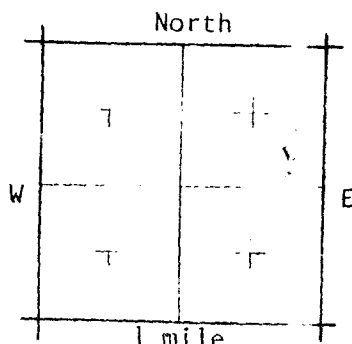
STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

Location N E 1/4 SE 1/4 Sec 27 Twp 115 Rg 65

County

Spink

Please mark well location with an "X"



Well Completion Date June 24, 1982

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Storage

Method of Drilling:

Forward Rotary

WELL CONSTRUCTION:

Diameter of hole 16 inches Depth 15 feet

Casing: ☐ Steel ☒ Plastic ☐ Other
Specify _____

Pipe Weight Diameter From To
lb/ft 16 inches 0 feet 124 feet
lb/ft _____ inches _____ feet _____ feet

Was a well screen used? ☒ Yes ☐ No

If Not Specify _____

Screen Type Fiberglass Slot Size 60

Length 30 ft Diameter 16"

Was Casing left open end? ☐ Yes ☒ No

Was a Packer or seal used? ☒ Yes ☐ No

If so what material? 7,900# 1/4 x 3/4 pack

Was well gravel packed? ☒ Yes ☐ No

Was well grouted? ☐ Yes ☐ No

Describe grouting procedure _____

To what depth? _____ Feet

What was grouting material? _____

If cement, how many sacks? _____

Location of packer(s) and screen or perforated pipe _____

WAS WELL PLUGGED OR ABANDONED ☐ Yes ☒ No

If so how and with what material? _____

Well Owner:

Tim Binger - Tulare

Name Eugene Meyer

Address Box 615, 222 Ross St., Roseville, Mo.

Well Log: Depth 66533

Formation	From	To
Top Soil	0	5
Sand	5	20
Sand And coal	20	30
Med, coal and blue clay	30	40
Blue Clay fine sand	40	50
Blue Clay soft	50	70
" " " & Coal flakes	70	88
Blue Clay soft	88	90
Sand Med. to coarse ^{coal} _{fine}	90	150
Med Sand Little clay	150	155

STATIC WATER LEVEL 18' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? _____

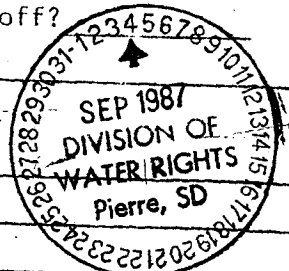
WELL TEST DATA:

☒ Pumped

☐ Bailed

☐ Other

Describe: _____



Pumping Level Below Land Surface

30 ft. After 7 1/2 Hrs. pumped 876 GPM

33 ft. After 11 Hrs. pumped 1062 GPM

33 ft. After 12 Hrs. pumped 1062 GPM

Remarks: _____

This well was drilled under license # 440

and this report is true and accurate.

Pullman Well Drilling

Drilling Firm

Signed by H. J. Pullman

July 12, 82

Date

Permit No. 4897-3James River Water District
10160009**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Tim Binger
Rt. 1 Box 77 of Tulare, SD 57476 holder of
 Permit No. 4897-3, bearing the priority of May 10 19 82 authorizing
 the diversion of 4.57 cu. ft. per second of the waters of groundwater (one well)
 for irrigation purposes, in Spink County.

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

A. Works used to divert the water:

Well: 151' deep, 16" Fiberglass Casing, 30' Fiberglass Screen
 Pump: Western Land Roller, No Tag
 Motor: High Thrust U.S. Electrical, 60 H.P., I.D. # R-6234-04-288

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

1700' of buried 10" PVC Pipe

C. Works used to apply water to beneficial use:

Valley Center Pivot: 8 towers, Model No. 4865,
Serial No. 43326, 1000 gpm @ 45 psi

The system is in the following condition Excellent

The point of diversion is located NE 1/4 SE 1/4 Sec. 27, T115N, R65W;
600'W & 80'S of the NE corner of the SE 1/4 of Sec. 27.

The works are capable of diverting and conveying to the place of use 2.22cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: Sec. 27, T115N, R65W

NW 1/4 NE 1/4 - 36 acres

NE 1/4 NE 1/4 - 36 "

SE 1/4 NE 1/4 - 34 "

SW 1/4 NE 1/4 - 34 "

comprising a total of 140 acres of land and the license should be issued for 2.00 cfs
~~2.22 cfs~~

(Jm)

Applicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date Sept. 2, 1987

James L. Wendt
 (Signature)

LICENSE FOR PERMIT NUMBER 4897-3

Binger

8-25-87

1. Legal location of wells: NE 1/4 SE 1/4 27-115-65

dams & structures: _____

2. Well Information: Well Drilling Firm Pullman

No. of wells 1

Depth 154'

Casing a) diameter 16"
b) length 124'
c) type Fiberglass

Screen a) type Fiberglass
b) length 30'

Static Water Level 16' 37' (while pumping)

Pump a) make Western Land Reclamation Motor
b) model No Tag
c) size _____
d) capacity 1000 GPM
e) turbine pump
no. of stages _____

a) make High Thrust U.S. Electrical
b) ^{F.P.} model no. R-6234-04-288
c) horsepower rating 60
d) motor efficiency rating _____

3. Distribution lines:

a) size of lines 10"
b) type PVC
c) length ≈ 1700'

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

h) Distribution lines or canals:

1) size _____
2) type _____
3) length _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot

Model No.
4865

Ser. No.
43326

- 1) make Valley (Valmont)
- 2) number of towers 8
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N)
- 6) high or ~~low~~ pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running 45 PSI
- 9) GPM 1000

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

☒
☒
☒

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
2. Special Qualifications to permit being abided by.
3. All Structures, wells and lands on map.

REMARKS:

Excellent Condition

State of South Dakota
Water License No. 4897-3

(1) Tim Binger
of RR 1, Box 77, Tulare, SD 57476
made Application No. 4897-3, May 10, 1982 for a water permit to appropriate
4.57 cubic feet per second of water from groundwater (two wells),
Spink County, South Dakota for irrigation purposes.
Permit No. 4897-3, with a priority date of May 10, 1982
was approved June 9, 1982 and issued to applicant(s) 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 said
water on or before June 9, 1991.

and

(2) It is certified that the application 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 2.00 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 600'W and 80'S of the NE Corner of the
SE $\frac{1}{4}$ of Section 27, T115N, R65W (NE $\frac{1}{4}$ SE $\frac{1}{4}$)

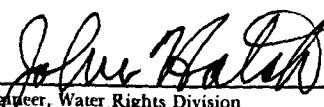
and

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

<u>T115N, R65W</u>	<u>Section 27</u>	<u>NW$\frac{1}{4}$NE$\frac{1}{4}$</u>	<u>36 Acres</u>
		<u>NE$\frac{1}{4}$NE$\frac{1}{4}$</u>	<u>36 Acres</u>
		<u>SE$\frac{1}{4}$NE$\frac{1}{4}$</u>	<u>34 Acres</u>
		<u>SW$\frac{1}{4}$NE$\frac{1}{4}$</u>	<u>34 Acres</u>
		<u>TOTAL</u>	<u>140 ACRES</u>

(4) Pursuant to §46-5-30.1 Tim Binger
of RR 1, Box 77, Tulare, South Dakota 57476
the holder(s) and/or owner(s) of Water Permit No. 4897-3 is issued a license to appropriate water, the right to use
2.00 cubic feet per second of water from groundwater (one well) with a priority date
of May 10, 1982 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 4897-3 and subject
to South Dakota State Law.


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

NOV 3 1987

JOHN HATCH



No. 4897-3

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

NOV 3 1987

Tim Binger
RR 1, Box 77
Tulare, South Dakota 57476

Dear Mr. Binger:

Enclosed herewith is, Water License No. 4897-3. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

SOUTH Dakota Department of
Water & Natural Resources

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

January 29, 1988

TIM & SHIRLEY BINGER
RT 1 BOX 77
TULARE, SD 57476

NOTICE

Re: Violation of Water Permit No(s) 4897-3 and 1987 Irrigation
Questionnaire Requirements

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 4897-3. The request for the questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 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). 4897-3 qualification:

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

The hearing will also be to determine if Permit No(s) 960-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 9:00 am, March 2, 1988, in Room 216, Joe Foss Building, 523 E Capitol, 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). 4897-3 until either the 1987 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s) 960-3 also held by TIM & SHIRLEY BINGER to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. 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,

A handwritten signature in cursive script, appearing to read "John Hatch", written in dark ink.

John Hatch, Chief Engineer
Water Rights Division

Note: If the questionnaire(s) are received in this office before the March 2 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

February 17, 1989

Tim & Shirley Binger
Rt. 1, Box 77
Tulare, SD 57476

Dear Mr. and Mrs. Binger:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

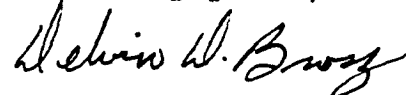


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 5, 1988

472-3
960-3
4897-3

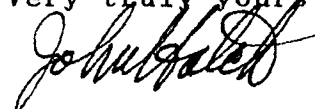
Tim & Shirley Binger
Rt 1, Box 77
Tulare SD 57476

Dear Mr. & Mrs. Binger:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 472-3, 960-3 & 4897-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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



4897-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 1994

TIM & SHIRLEY BINGER
RT 1 BOX 76
TULARE SD 57476

NOTICE

RE: Violation of Water Permit No(s) 472-3 & 960-3, 4897-3 and 1993 Irrigation
Questionnaire Requirements

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 472-3 & 960-3, 4897-3. The request for the Questionnaires was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 472-3 & 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) 4897-3 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, 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 SDCL 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) 4897-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 472-3 & 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 on/or before April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☒ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

**TIM & SHIRLEY BINGER
RT 1 BOX 76-77
TULARE SD 57476**

4a. Article Number

P837 692 586

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

2-17-96

5. Signature (Addressee)

Tim Binger

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 1994

472-3
960-3
4897-3

Tim & Shirley Binger
RR #1 Box 77
Tulare, SD 57476

Dear Mr. & Mrs. Binger:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire. You may disregard the February 16, 1994, **Notice of Violation of Water Permit Nos. 472-3, 960-3 & 4897-3 and the 1993 Irrigation Questionnaire Requirements.**

The questionnaires were received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



4897-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

TIM & SHIRLEY BINGER
RR 1 BOX 77
TULARE SD 57476

NOTICE

RE: Violation of Water Permit No(s) 472-3 & 960-3, 4897-3 and 1994 Irrigation Questionnaire Requirements

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 472-3 & 960-3, 4897-3. The request for the Questionnaires was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 472-3 & 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) 4897-3 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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 SDCL 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) 4897-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 472-3 & 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 on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

ted on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

TIM & SHIRLEY BINGER
RR 1 BOX 77
TULARE, SD 57476

4a. Article Number

P 75T 566 281

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

2-8-95

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

Shirley Binger

6. Signature (Agent)

Is your RETURN

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 15, 1995

472-3
960-3
4897-3

Tim & Shirley Binger
RR #1 Box 77
Tulare, SD 57476

Dear Mr. & Mrs. Binger:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, **Notice of Violation of Water Permit and the 1994 Irrigation Questionnaire Requirements.**

The questionnaires were received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



4897-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: TIM & SHIRLEY BINGER, 18410 382ND ST, TULARE, SD 57476
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 4897-3 & 6142-3, 472-3 & 960-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 472-3 & 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) 4897-3 & 6142-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 4897-3 & 6142-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 472-3 & 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 on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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 ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 7, 2000

Tim & Shirley Binger
18410 382nd St
Tulare, SD 57476

RE: Water Right or Permit Nos. 472-3, 960-3, 4897-3 & 6142-3

Dear Mr. & Mrs. Binger:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. The questionnaires were submitted by Brett Binger. It is my understanding that future questionnaires can be directed to Brett for completion. This does not alter ownership of the permits, it merely allows us to send the questionnaires to another person.

You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right or Permit Nos. 472-3, 960-3, 4897-3 and 6142-3. 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
Environmental Scientist
Water Rights Program
(605) 773-3352

c: Brett Binger



January 16, 2002

NOTICE

4897-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: BRETT BINGER, 38270 182ND ST, TULARE, SD 57476

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 4897-3, 5568-3 & 6142-3, 472-3, 960-3 & 3053-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 472-3, 960-3 & 3053-3 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) 4897-3, 5568-3 & 6142-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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) 4897-3, 5568-3 & 6142-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 472-3, 960-3 & 3053-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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.

102595-00-M-0952



4897-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2002

Brett Binger
38270 182nd St
Tulare SD 57476

RE: Water Permit or Right Nos. 472-3, 960-3, 3053-3, 4897-3, 5568-3 & 6142-3

Dear Mr. Binger:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit or Right Nos. 472-3, 960-3, 3053-3, 4897-3, 5568-3 & 6142-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

NOT TO SCALE

25.4
T1408
 2

115.6

579-90L

D-3

James L. Wendt
 Natural Resources Eng.
 9-2-87

4.7
 133.9
T938
 6
 84 slides

36 ac. x 36 ac.
 34 ac. 34 ac.

2
 5.4
 27

131.6

35.6

61.0

3

600'
 80' Well

41.0

4

NC
 115-65

18.3

License No.

4897-3

T9553

24.3

T444

16.2

77.6

339

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4897-3

Date: 6-10-06

I/We request that Water Right/Permit No. 4897-3

formerly owned by: Keith Meyer

be transferred to: (name & address) Brett Binger, Darin Binger & Chad Binger,
38270 182nd St, Tulare SD 57476

Telephone No. 605-596-4283

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

NE 1/4 27-115-65 Spink County

I/We understand that the validity of Water Right/Permit No. 4897-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

Brett 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.

RECEIVED

JUL 19 2006

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 19, 2006

960-3

4897-3

6142-3

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

Dear Sirs:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms you submitted for filing an ownership change on Water Right Nos. 960-3 and 4897-3 (Tim Binger) and Water Permit No. 6142-3 (Keith Meyer).

A total of \$7.50 (\$2.50 each) is due for filing the ownership changes. You may make the check or money order payable to the "Water Rights Program". As soon as we receive the fee, the water rights and permit will be transferred to your names.

I have included a postage paid envelope for your convenience in returning the filing fee. If you have any questions, please contact me.

Sincerely,

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

encl

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 24, 20 06

RECEIVED OF Binger Farms, 38270 182nd St., Tulare SD 57476

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4897-3</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. _____	2.50	
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	
		2.50

No. 025220

By

Darland Ebel
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 25, 2006

960-3
4897-3
6142-3

Brett Binger
38270 182nd St
Tulare SD 57476

Dear Mr. Binger:

I am writing to confirm the ownership changes for Water Right Nos. 960-3, 4897-3 and Water Permit No. 6142-3 have been completed. Nos. 960-3 and 4897-3 formerly listed in the name of Tim Binger and Water Permit No. 6142-3 formerly listed in the name of Keith Meyer are now listed as owned by "Brett Binger, Darin Binger and Chad Binger."

Enclosed are your Receipt Nos. 02519, 02520 and 02521 in the amounts of \$2.50 each. You may keep these for your records.

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

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JAN 24 2008

4897-3
6142-3

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

Dear Sirs:

Enclosed is your Water License No. 6142-3. The applicable portions of Water Right No. 4897-3 were incorporated into the water license. This is the final water right document completing your process of obtaining a Water Right. Included with the water 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. 6142-3, 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,

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

enclosures