

1. Considered: JULY 28, 1982 Water Right No. 4902-3
2. Name of Applicant CLINTON BAUER
3. Post Office Address RR 1 - Box 111, FREEMAN 57029
4. Amount of Water Claimed 1.72 maximum acre feet
5. Source of Water Supply GROUND 108' WELL (ADD'L DIVERSION 4067-3)
6. Water to be used for IRR acres to be irrigated 121.00
7. County HUTCHINSON about 2N 2 miles WEST of MENNO
8. PROOF OF PUBLICATION: Received 1st 7-1-82 Not Received
- APPLICATION: Approved 7-28-82 Subject to DW-10 1 cfs 70 ac
- Not Approved Action Deferred

PRIORITY 5/24/82 Dated Received 5-24-82 Application complete-yes no FEE 150⁰⁰

Remarks add'l diversion on 4067-3 a James River permit

Corrected Application received Period of Annual Use 3/1 to 9/30

WATER QUALITY Received yes 6/11/82 no APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes no Remarks

Disapproved Returned

Diversion Point

SW⁴ SE⁴, Section 31-T99N-

R57W

Land to be irrigated

SE⁴ and NE⁴ SW⁴, Sec 32-T99N-

R57W.

WELL LOG Driller Pullman Drilling Licensed - yes 440 no

Depth 108 ft deep

Remarks

MAP Map No. 4104-3 and 3304-3 Map located in Water Right and 7067-3 Map file _____
 Type of Map Aerial Prepared by SeS

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:

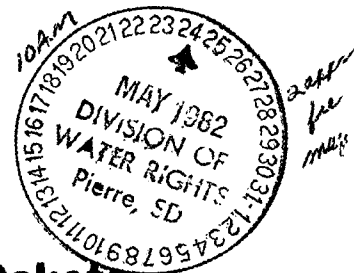
6/14/82

Betty Westlund
 (Signed)

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

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

No. 4902-3
 Map No. 3304-3 Water Division No. 3 JAMES RIVER District
4104-3 Above for Office Use 10160011



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 ☒ ON PERMIT NO. 4087-3Change in Acreage ☐ Additional Acreage ☐

transferred 12-3-82

1. Name of Applicant Clinton Bauer Don Herman Phone No. 925-7250
 Post Office Address R.R. 1 Box 11 Freeman State S.D. 57029
 (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) Direct labor3. Name of diversion work Well Additional water needed from a well.4. Amount of water claimed (cubic feet per second) 800-900 gpm MAX. ALLOWABLE 13-15 ft/sec5. Source of water supply Well

6. Location of point of diversion Approximately 111 rods west and 5 rods north
of SE corner of section 32 T-99 R-57.
(SW⁴ SE⁴) County Hutchinson

7. Annual period or periods during which water is to be used March 1 - Sept. 308. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 121

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.
NE ⁴ SE ⁴ 32-99-57	38
NW ⁴ SE ⁴ 32-99-57	36
NE ⁴ SW ⁴ 32-99-57	23
SE ⁴ SE ⁴ 32-99-57	17

Land Description	No. Acres Irr.
SW ⁴ SE ⁴ 32-99-57	7

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 24 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Freeman Courier

12. Principal Features of the Proposed Water Supply System.

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

Water will be pumped from the well, directly to the center pivots.

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

Water will be transported by underground pipe. &

C. Works proposed to apply water to beneficial use.

The 160 acres will be divided among 3 center pivots.

Estimated Total Cost \$ 50,000

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 _____)

I, Clinton Bauer 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 Clifford HandelSubscribed and sworn to before me this 21 day of May, 1982

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4902-3

CLINTON BAUER
(Applicant)

RR #1, Box 111 - FREEMAN
(Post Office Address)

SOUTH DAKOTA 57029
(State)

With the following qualifications.

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawal so there is not a reduction of needed water supplies in adequate domestic wells.

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

Lands covered under this Permit are also covered under Permit No. 4067-3. Combinations of diversions under the two permits shall not exceed the Statutory limit of 1 c.f.s. for each 70 acres of land to be irrigated.

Date of first receipt of application May 24, 1982
Date of return to applicant for correction, amendments or changes required May 24, 1982
Date of receipt of corrected application June 11, 1982
Approved July 28, 1982, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4902-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4902-3 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 24, 1982
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before January 28, 1985
3. The whole of said work is to be completed on or before July 28, 1987
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is July 28, 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 1.72 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 July 28, 1991; said water to be used during the following described annual period: March 1 to September 30

Witness my hand this 4th day of August, 1982

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates test Hole

- (1) Drill Hole, Diameter 5", Depth 108'
- (2) Casing, Type plastic (wood, concrete, steel, etc) Diameter 3" Thickness 1/4"
- (3) Perforated Screen. slot size (.025)
Type plastic, Diameter 3", Length 40'
- (4) Gravel Pack. Thickness 2", Length of gravel pack 108'

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

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

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials med. Sand 40' to 80' :
Coarse gravel 80' to 93' : med sand 93' to 100' :
med coarse 100' to 108'
Shale 108' to —

Depth to top of water bearing material 40'

Depth to bottom of water bearing material 108'

Thickness of water bearing material 68'

Depth to water (ground surface to water level) 40' head pressure 8" above
ground surface of test well

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

On same owner's property 1 mile rds. On property owned by others 3/4 mile 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, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Clinton Banes

Signature of Applicant

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Clinton Bauer OWNERS ADDRESS: R.R. 1, Box 111

Freeman, S.D.

COUNTY LAND LOCATED IN: Hutchinson PHONE: 925-7250

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a condition of 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 OR DIVERSION POINT: SW 1/4, SW 1/4, SW 1/4, SE 1/4 Sect. 31, T19, R57

2. SURFACE WATER SOURCE: _____

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

Legal Description	Acres	Legal Description	Acres
<u>NE 1/4, SE 1/4 32-99-57</u>	<u>38</u>	<u>SW 1/4, SE 1/4 32-99-57</u>	<u>7</u>
<u>NW 1/4, SE 1/4 32-99-57</u>	<u>36</u>		
<u>NE 1/4, SW 1/4 32-99-57</u>	<u>23</u>		
<u>SE 1/4, SE 1/4 32-99-57</u>	<u>17</u>		

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

5. CROPS TO BE IRRIGATED: Corn, alfalfa

6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 1980

LEGAL DESCRIPTION: Same as question #3

IN WHAT NAME: Clinton Bauer

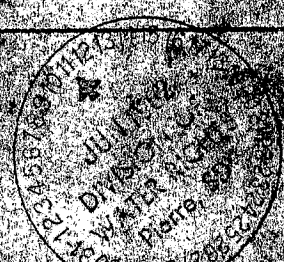
WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 82-1045

8. SALINITY (EC X 10⁶): 11000

9. SODIUM (SAR): 13.27

10. ADJUSTED (SAR): 2.48 (1.73)



I hereby certify that I personally obtained or that I personally observed the 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 11:30 a.m./p.m., on May 7, 1982, at the following location: Approximately 1/2 mile west and south of Freeman

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. SW 1/4, SW 1/4, SW 1/4, SE 1/4

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

21 DAY OF May, 1982.

Clifford A. Smith
(NOTARY PUBLIC)

Clinton Bauer
APPLICANT'S SIGNATURE

Jack M. Zupfeld
Director, Division of Conservation

APPROVED

DISAPPROVED

X CONDITIONALLY APPROVED

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

Approximately 11 rods west & 5 rods North
of SW corner of Section 31 T-99 R-57.

Robert W. Johnson
District Commissioner - SCS
Menard, SD 5-14-82

land to be
irrigated
Clinton Bauer
owner

Well

Sec
31

Map # 4902-3

laalao
map 3304-3
April 4067-3

NOT TO SCALE



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8844

PIERRE, May 24, 1932

RECEIVED OF Clinton Bauer, RR#1, Box 111, Freeman, SD 57029

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

Fee for Application for Permit to Appropriate Water No. <u>4902-3</u> (examination, processing, recording and filing) -----	150	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	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH CHS

PLEASE COMPLETE
ENTIRE FORM

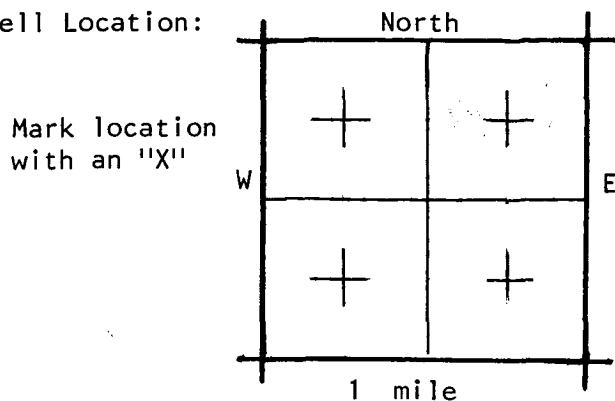
WELL DRILLERS REPORT
Division of Water Rights
Department of Water & Natural Resources

6/60

Well Owner: Clinton Bauer
Name _____

Address _____

Well Location:



County _____

____ 1/4 ____ 1/4 ____ 1/4 Sec. ____ Twp. ____ Rg. ____

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 _____

Depth _____

Casing ☐ Steel ☐ Concrete

☐ Plastic ☐ Other

If other, specify _____

Was casing end left open _____

Was a well screen installed _____

Describe Well Screen

Diameter _____ Material _____

Slot size _____

Was well gravel packed _____

Was well grouted _____

Was water sample taken _____

Remarks:



Water Level Information:

Static water level _____ 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 _____

☐ Bailed _____

Describe: _____

☐ Other _____

Pumping Level Below Land Surface

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

Well Log:

Formation	Depth	
	From	To
sandy blue clay ^{small streaks}		
Mucky blue clay	20	40
med sand	40	80
Coarse gravel	80	93
med sand	93	100
med coarse	100	108
shale	108	

(Use Back if Necessary)

Date Completed: _____

Driller:

Driller's or Firm's Name _____

License NO. _____

Address _____

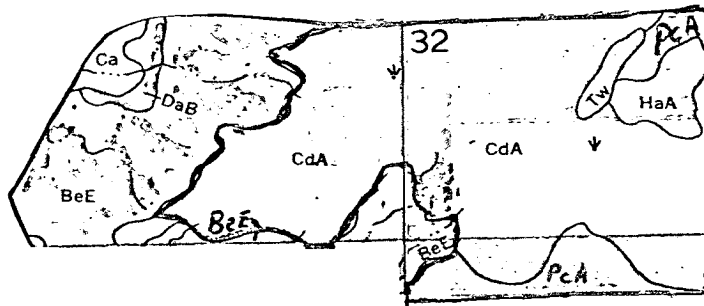
Signed By _____

Date _____

W1/1 Soils Information

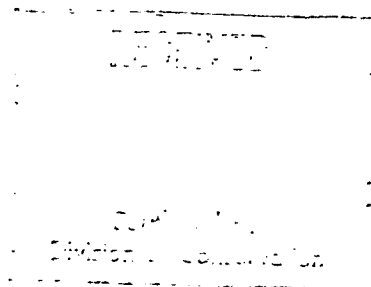
5-14-82

SE¹/₄ Sec. 32 T-99-N R-57-W
W²/₄ & E²/₄ SW¹/₄ Sec. 32 T-99-N R-57-W
outlined in black.



Soil ~~to~~ description on following page.

Robert W. Lehman
District Conservationist - SD
5-14-82 Minne, SD



May 27, 1982

Clinton Bauer
RR 1, Box 111
Freeman, SD 57029

Dear Mr. Bauer:

Enclosed is your copy of the laboratory report of analysis for water samples No. 75-1137, 76-520, and 82-1045.

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

Sample No. 75-1137 is classified as a high saline, medium sodic water. It is marginally suitable for irrigation due to the presence of substantial amounts of calcium and sodium salts.

Sample No. 76-520 is classed as a very high saline, low sodic water. It is marginally suitable for irrigation due to the very heavy calcium-sulfate salt load.

Sample No. 82-1045 is classified as a high saline, low sodic water. This is the best water quality of all three samples. Calcium-sulfate is the dominant salt. However, the salt load is moderately heavy.

Irrigation application using water sample No. 82-1045 should exceed crop requirements. This will allow most of the salt load dissolved in this water to pass through the soil pore space of the rooting zone (top two feet).

The Clarno loam, the Prosper-Clarno loams, and the Hand loam soils found in the SE 1/4 and the SW 1/4 of Section 32-99-57 are compatible with the quality of water sample No. 82-1045. However, the Betts and Ethan loams (15 to 40% slopes) that adjoin the Clarno association should be maintained in grass or a grass alfalfa mixture.

'Red' Pahl informed me that you are contemplating using a low pressure system. It should be pointed out that this type of water delivery system may result in significant surface erosion problems.

If you experience soil erosion problems or if a salt build-up does occur under irrigation, please contact your county extension agent or this office for assistance.



Mr. Bauer
May 27, 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

CONDITIONAL

3069

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT: Clinton Bauer

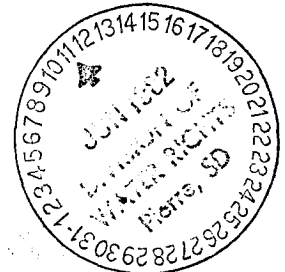
LEGAL DESCRIPTION: SE $\frac{1}{4}$ 32-99-57 = 98 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 32-99-57 = 23 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

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



RECOMMENDED MANAGEMENT:

The area of Tetonka and Whitewood should be left in grass and/or internal drainage used. Extra water should be applied to leach the salts.

Signature
SIGNATURE

Date
DATE

Publish first publication, on or before June 23, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 14, 1982Notice is hereby given Clinton Bauer whose post office

address is RR#1, Box 111, Freeman, 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~~) ~~46-5-33 thru 46-5-35 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)~~ ~~74:02:01:01 thru 74:02:07:03~~, for a permit to appropriate for beneficial use

1.72 cubic feet of water per second of time from groundwater (one well) through the Bauer Additional Water Project/ to add and additional on an existing permit is (~~are~~) to be located in the SW1/4

of Section 31, Twp. 99N, Range 57W. Said water to be used for purpose of providing irrigation on portions of the following described land:

SE1/4 and NE1/4SW1/4, Section 32-T99N-R57W (lands covered under previous permit)

This Application No. 4902-3 will be considered by the Water Management Board at Civil Defense Room, State Capitol upon the 28th day of July, 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 SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

cc: applicant

BETTY WESTLUND, Water Rights Specialist

WNR-806-2/82

No. 4902-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County _____)

I, Glenn Leroy hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Freeman Courier

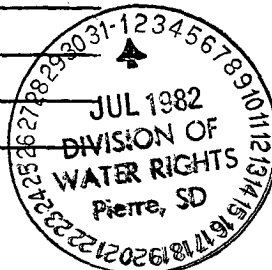
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

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

June 23, 1982
June 30, 1982

Glenn Leroy
(Signature)
Publisher
(Title)
June 30 1982
(Date Signed)

Cost of Printing: \$21.47



Notice of Hearing on
Application to
Appropriate Water

Pierre, South Dakota 57501
June 14, 1982

Notice is hereby given Clinton Bauer whose post office address is RR #1, Box 111, Freeman, 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, 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 1.72 cubic feet of water per second of time from groundwater (one well) through the Bauer Additional Water Project to add an additional point of diversion on an existing permit which is to be located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Twp. 99N, Range 57W. Said water to be used for purpose of providing irrigation on portions of the following described land: SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32-T99N-R57W (lands covered under previous permit).

This Application No. 4902-3 will be considered by the Water Management Board at Civil Defense Room, State Capitol, Pierre, South Dakota, upon the 26th day of July, 1982, at 10:00 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, South Dakota, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board
Betty Westlund,
Water Rights Specialist

WATER RIGHTS DIVISION

(605) 773-3352

October 13, 1982

Clinton Bauer
Route #1, Box 111
Freeman, South Dakota 57029

Dear Mr. Bauer:

This letter is in regard to your telephone call to this office October 8, 1982 inquiring as to the status of your water right permit approved on July 28.

The permits were written up, signed and sent out some time ago, perhaps yours was lost in the mail. Enclosed please find a copy of the permit.

If you have any questions, please contact this office.

Sincerely,

Genny Young
Water Right Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9058

PIERRE, December 1, 19__

RECEIVED OF Don Harmon, Jr. Box 17, Freeman, SD 57029

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

Fee for Application for Permit to Appropriate Water No. _____ (examination,
processing, recording and filing) _____

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 TRANSFER OF WATER RIGHTS-3

Fee for certified copy of _____

Fee for Print copy of map _____

Fee for Certifying _____

Fee for _____
(any other work as provided by law)

TOTAL

WATER RIGHTS COMMISSION

By _____
Chief Engineer, Executive Officer



Department of Water & Natural Resources

Joe Foss Building

Water Rights Division

Pierre, South Dakota 57501

Phone (605) 773-3352

December 6, 1982

Don Herman, Jr.
Route #1, Box 17
Freeman, South Dakota 57029

Dear Mr. Herman:

Enclosed is receipt No. 4902-3 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 4902-3.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

max/
Enc.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

This is to notify you that the title to the lands described as follows:

121 acres - SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, T99N, R57W

formerly owned by Clinton Bauer

has been transferred to Don Herman Jr., Rt 1, Freeman SD 57029 ^{Box 171} ^{tel. #} 925-7800
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4902-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Hutchinson)

ss.

I, DON HERMAN, JR. being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Don Herman Jr.

(Signed)

Subscribed and sworn to before me this 3RD Day of DECEMBER, 1982.

[Signature]
(Notary Public)





Department of Water & Natural Resources

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

August 30, 1989

Don Herman Jr.
Route 1, Box 17
Freeman SD 57029

Dear Mr. Herman:

I am writing in regard to our phone conversation on August 28, 1989 concerning my letter dated August 15, 1989.

Water Permit No. 4902-3 lists the same acreage as specified on cancelled Permit No. 4067-3 that was for irrigation from the James River. However, Permit No. 4902-3 did include a total of 160 acres which suggests some additional acreage was to be irrigated. The map for Permit No. 4902-3 further supports this suggestion by outlining acreage in addition to the area outlined on the map for Permit No. 4067-3. The additional area outlined on the map covers nearly all of the acreage actually being irrigated. Therefore, I believe the notice of hearing for Permit No. 4902-3 can be readvertised to include the area that should have been specified on the original notice of hearing. The expense of the readvertisement will be paid by the Division of Water Rights.

The application sent to you with the August 15, 1989 letter still needs to be completed (question No. 9), signed and notarized. The application is to add the 39 acres to your existing soil/water compatibility permit (copy enclosed). The enclosed soil/water permit includes only 121 irrigated acres with no reference made to any acreage in addition to the 121 acres. Please sign the soil/water application and return the application to the Division of Water Rights. If any information is needed in addition to the soil/water application, then the Department of Agriculture will contact you.

Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.





Department of Water & Natural Resources

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

August 15, 1989

Don Herman Jr.
Route 1, Box 17
Freeman SD 57029

Dear Mr. Herman:

This letter is in regard to Water Permit No. 4902-3. An inspection of Permit No. 4902-3 found that portions of the irrigated acreage are not included on the permit. Enclosed for your review is a copy of Permit No. 4902-3 showing the permitted acreage and a map showing the actual irrigated acreage. The following is a listing of acreage not covered by Permit No. 4902-3:

DESCRIPTION	PERMITTED	DEVELOPED	ADD'L ACREAGE
SE1/4SE1/4 sec 32	17	21	4 add'l
SW1/4SE1/4	7	14	7 add'l
NW1/4SW1/4	-	2	2 add'l
SW1/4SW1/4	-	7	7 add'l
SE1/4SW1/4	-	19	19 add'l

Total acreage not covered: 39 acres

An application needs to be submitted for the 39 acres not covered by Permit No. 4902-3. Enclosed for your use is a partially completed application. Please review the application and complete the remaining questions. Return the signed and notarized application with the enclosed map and with a \$150.00 application fee.

The inspection of Permit No. 4902-3 indicates that 700 gallons per minute is diverted from the well to operate one pivot at a time. The enclosed application (Item No. 2 - Amount of water claimed) states that the diversion rate is not to be increased (no add'l). If you intend to increase the pumping rate from the well, then state the amount of the increase on the application.

Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



(See instructions)

No. _____	Hydrologic Unit _____
Basin _____	
Newspaper _____	

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

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☐ Other SEE NO. 4902-3

1. Name of Applicant Don Herman Jr. Phone No. _____

Post Office Address Route 1, Box 17, Freeman State SD 57029
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) _____ Total acres irrigated _____

3. Source of Water supply ground water - 1 well

4. Location of point of diversion well: SW $\frac{1}{4}$ SE $\frac{1}{4}$ section 31-T99N-R57W

_____ County Hutchinson

5. Counties where water will be used Hutchinson

6. Annual period during which water is to be used March 1 - September 30

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

Land Description	No. Acres Irr.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 32-T99N-R57W	2
SW $\frac{1}{4}$ SW $\frac{1}{4}$ "	7
SE $\frac{1}{4}$ SW $\frac{1}{4}$ "	19
SE $\frac{1}{4}$ SE $\frac{1}{4}$ "	4

Land Description	No. Acres Irr.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 32-T99N-R57W	7

Attach sheet if more space is needed

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

9. Crops to be Irrigated: _____

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

This application is to add 39 acres not included on Permit No. 4902-3.

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

STATE OF SOUTH DAKOTA)
County of _____)

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

Signed _____

Subscribed and sworn to before me this _____ day of _____ 19____

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

WR#

OWNERS NAME: _____ OWNERS ADDRESS: _____

COUNTY LAND LOCATED IN: _____ PHONE: _____

LEGAL DESCRIPTION:

☐ Well

☐ Surface

1. LOCATION _____

Depth _____

Legal Description	Acres	Legal Description	Acres

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

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: _____ 7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): _____ 8. PERCENT SODIUM _____

6. SODIUM (SAR): _____

Requirements:

Director, Division of Conservation

Date



APPROVED

DISAPPROVED

WAIVER

REQUIREMENTS

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

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

ADD7

WR#

OWNERS NAME: Don Harmon, Jr. OWNERS ADDRESS: Box 1, Box 17

Prairie, SD 57026

COUNTY LAND LOCATED IN: Butte PHONE: _____

LEGAL DESCRIPTION:

1. LOCATION

SW 1/4 Sec. 31-T9N-R57W

☐ Well

☐ Surface

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>SW 1/4 Sec. 31-T9N-R57W</u>	<u>2</u>	<u>SW 1/4 Sec. 31-T9N-R57W</u>	<u>2</u>
<u>SW 1/4 Sec. 32-T9N-R57W</u>	<u>7</u>		
<u>SW 1/4 Sec. 32-T9N-R57W</u>	<u>14</u>		
<u>SW 1/4 Sec. 32-T9N-R57W</u>	<u>4</u>		

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

3. CROPS TO BE IRRIGATED: Corn, beans, alfalfa

WATER QUALITY:

4. WATER SAMPLE NUMBER: 82-1043 7. ADJUSTED (SAR): 2.48

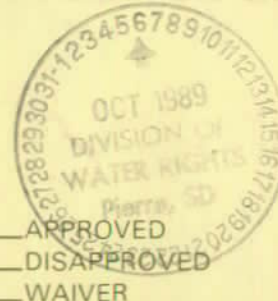
5. SALINITY (EC X 10⁶): 1603 8. PERCENT SODIUM: 13.27

6. SODIUM (SAR): 11.98

Requirements:

The area mapped as Barre and Ethan loams, 15 to 40 percent slopes (S&S) is excessively steep and subject to a severe erosional hazard. For this season this area shall not be irrigated and maintained in permanent vegetation.

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a soil-water compatibility permit by the Division or the commission.



APPROVED

DISAPPROVED

WAIVER

REQUIREMENTS

Director, Division of Conservation

Date

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

Considered: _____

WATER PERMIT NO. 4902-3

Phone: _____

Name of Applicant: Don Herman, Jr.

Post Office Address: Rt 1, Box 17, Freeman SD 57029

Amount of Water Claimed: 1.55 Total Acres: 147

Source of Water Supply: groundwater

Water to be used for: irrigation County: Hutchinson

About 2 miles North, 2 west of Menno

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: _____ Fee: _____ Remarks Readvertise-

ment of 4902-3 based on an inspection by Ron Duvall

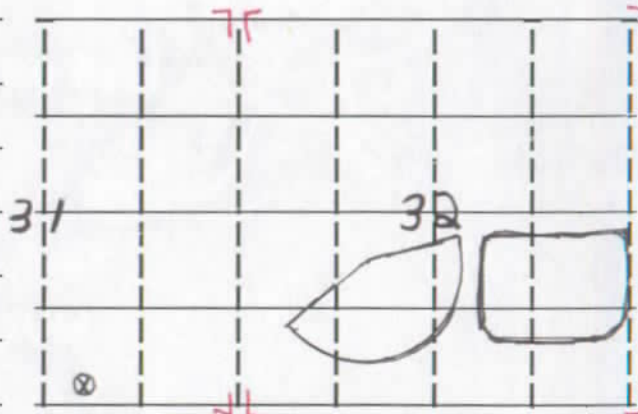
Corrected Application Received _____ Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED 12-6-89 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SW 1/4 SE 1/4 31-99-57

Land to be Irrigated: S 1/2 31-99-57



Well Log: Driller: Christensen Well Co. Licensed YES X NO _____

Depth of Well: 110' REMARKS _____

Type of Map: aerial PREPARED BY: Ron Duvall Reviewed and the Number

Assigned on 4-3-91 By Karen Schlaak

REPORT ON
READVERTISEMENT OF WATER PERMIT NO. 4902-3
DON HERMAN

May 8, 1991

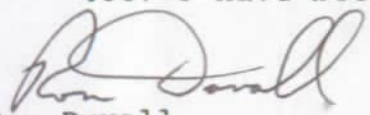
An inspection of the works constructed under Water Permit No. 4902-3 was completed on May 27, 1985. The inspection found 1.55 cubic feet of water per second being diverted from one well (Lower James Missouri Aquifer), 108 feet deep, located in the SW1/4 SE1/4 section 31-T99N-R57W to irrigate 147 acres. Readvertisement of this permit is needed to correct the location and number of irrigated acres. The correct location of the irrigated acreage is the S1/2 section 32-T99N-R57W.

BACKGROUND

The total acreage listed on Application No. 4902-3 was originally 160 acres and was later reduced to 121 acres. The reduced acreage corresponded with the acreage listed on Permit No. 4067-3 (now cancelled) and the acreage described by 40 acre subdivision on Application No. 4902-3. However, the map submitted with Application No. 4902-3 outlined approximately 160 acres as originally identified on the application. Therefore, Permit No. 4902-3 should be readvertised to correct the legal description and number of irrigated acres since the application originally specified 160 acres and the map corresponded with the 160 acres. The discrepancy between the map and acreage figures should have been addressed prior to Permit No. 4902-3 being approved.

CONCLUSIONS

- 1) Readvertisement of Permit No. 4902-3 does not authorize any increase in the current 1.55 cfs diversion rate. The number of irrigated acres is less than the 160 acres shown on the map submitted with No. 4902-3.
- 2) An approved Soil/Water Compatibility Permit has been received for 39 acres omitted from Permit No. 4902-3.
- 3) No complaints have been reported in regard to this irrigation project.
- 4) This readvertisement should be approved with the existing qualifications except for the third qualification which is no longer applicable. Applicable portions of Water Permit No. 4067-3 have been cancelled.


Ron Duvall
Natural Resources Engineer IV
Water Rights Division

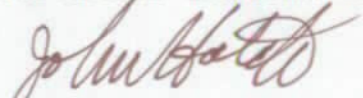
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISEMENT OF
WATER PERMIT APPLICATION NO. 4902-3, Don Herman

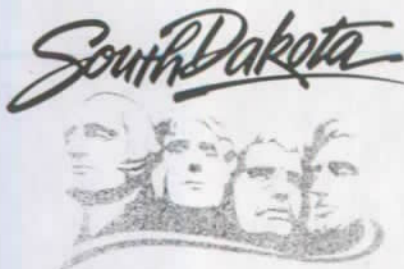
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning readvertised Water Permit Application No. 4902-3, Don Herman, Route 1, Box 17, Freeman, SD 57029.

The Chief Engineer is recommending APPROVAL of Application No. 4902-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) in the public interest with the following qualifications:

1. The irrigation well approved under this Permit is located near domestic 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.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Lands covered under this Permit are also covered under Permit No. 4067-3. Combinations of diversions under the two permits shall not exceed the Statutory limit of 1 cfs for each 70 acres of land to be irrigated.

See report on application for additional information.


JOHN HATCH, Chief Engineer
May 10, 1991



GREAT FACES. GREAT PLACES.

May 16, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Don Herman
Rt 1 Box 17
Freeman, SD 57029

Dear Mr. Herman:

The original notice of hearing for Water Permit No. 4902-3 was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Freeman Courier printed at Freeman, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



GREAT FACES. GREAT PLACES.

May 16, 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Freeman Courier
Box 950
Freeman, SD 57029

ATTENTION: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Water Permit No. 4902-3 to be published twice. Please publish the first notice on May 22, 1991, with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

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

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on May 22, 1991, with the second publication 7 days later.

Readvertisement of NOTICE OF HEARING on Water Permit No. 4902-3 to Appropriate Water

Notice is given that Don Herman, Rt 1, Box 17, Freeman SD 57029 filed an application for a water permit on May 24, 1982. An inspection of Water Permit No. 4902-3 found 1.55 cubic feet of water per second being diverted from one well (Lower James Missouri Aquifer) 108 feet deep, located in the SW 1/4 SE 1/4 Section 31-T99N-R57W to irrigate 147 acres. Readvertisement of the notice of hearing published on June 23 and 30, 1982, is needed to correct the location and number of irrigated acres. The correct legal description of the irrigated acres is the S 1/2 Section 32-T99N-R57W. This readvertisement does not authorize any increase in the acreage irrigated or any increase in water appropriation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4902-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 10, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 4902-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for June 19, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the June 19, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 19, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 10, 1991.

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

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

Readvertisement of NOTICE OF HEARING on Water Permit No. 4902-3 to Appropriate Water

Notice is given that Don Herman, Rt. 1, Box 17, Freeman, SD 57029 filed an application for a water permit on May 24, 1982. An inspection of Water Permit No. 4902-3 found 1.55 cubic feet of water per second being diverted from one well (Lower James Missouri Aquifer) 108 feet deep, located in the SW 1/4 SE 1/4 Section 31-T99N-R57W to irrigate 147 acres. Readvertisement of the notice of hearing published on June 23 and 30, 1982, is needed to correct the location and number of irrigated acres. The correct legal description of the irrigated acres is the S 1/2 Section 32-T99N-R57W. This readvertisement does not authorize any increase in the acreage irrigated or any increase in water appropriation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4902-3 because 1) unappropriated water is available, 2) existing rights will be not unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 10, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 4902-3 and 2) the chief engineer's recommendation, a special Board meeting is

scheduled for June 19, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the June 19, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 19, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 10, 1991.

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

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

AFFIDAVIT OF PUBLICATION

COUNTY OF HUTCHINSON }
STATE OF SOUTH DAKOTA } SS



Tim Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That the Freeman Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county and state by Tim Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Tim Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement headed Realignment of Notice on Water
Permit #4902-3

a printed copy of which is hereto attached, was printed and published in the said newspaper for two successive issues to-wit: The first publication being on the 22nd
day of May
and the last publication on May 29
That the full amount of the fees charged for publishing the same to-wit: The sum of \$ 55.42 insures solely to the benefit of the publisher of the Freeman Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of \$ 55.42 is the rate for publishing legal notices.

Tim Waltner
Subscribed and sworn to before me this 30th day of

May, 1991.

Mary Ann Piehman
Notary Public

my comm. exp. 3-7-96

Publication fee . . . \$
Notary fee . . . \$
Total . . . \$



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 15, 1995

4902-3

Don Herman, Jr.
RR 1, Box 100
Freeman, SD 57029

Dear Mr. Herman:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 4902-3, 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 issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

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

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

4902-3

Don Herman, Jr.
42961 Colony Road
Freeman, SD 57029

Dear Mr. Herman:

Enclosed is Water License No. 4902-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414633 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4902-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

rd
enclosures

RECEIPT

414633

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 4, 19 95

RECEIVED OF Don Herman, Jr., RR 1 Box 100, Freeman, SD 57029

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 _____		
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>4982-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

John Blatch

Permit No. 4902-3
James 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, **May 27, 1985**, made a thorough examination of the water use system owned by **Don Herman, Jr.** of **RR 1, Box 100, Freeman SD 57029** holder of Permit No. **4902-3**, bearing the priority of **May 24, 1982** authorizing the diversion of **1.72** cu. ft. per second of the waters of **ground water (Lower James Missouri Aquifer)** for **irrigation** purposes, in **Hutchinson** County.

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

A. Works used to divert the water:

Motor: US Electrical
ID R-6326-05-393
75 hp, 1765 rpm

Pump: Western Land Roller
S.N. 8305369
imp. H 7.06

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

6,900 feet of 6 inch PVC

C. Works used to apply water to beneficial use:

Two Lockwood center pivots (one pivot is a corner system), operate one pivot at a time
Both 7 tower, high pressure systems (50 psi) with end guns
Capacity of each system is 700 gpm

The system is in the following condition **good**. The point of diversion is located **2,000 feet W and 300 feet N (SW1/4 SE1/4) from the SE corner of section 31-T99N-R57W**. The works are capable of diverting and conveying to the place of use **1.55** 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:

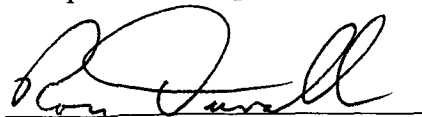
All in section 32-T99N-R57W

Legal Description	Acreage	Legal Description	Acreage
NE ¹ / ₄ SE ¹ / ₄	33	NW ¹ / ₄ SE ¹ / ₄	29
SW ¹ / ₄ SE ¹ / ₄	14	SE ¹ / ₄ SE ¹ / ₄	21
NE ¹ / ₄ SW ¹ / ₄	22	NW ¹ / ₄ SW ¹ / ₄	2
SW ¹ / ₄ SW ¹ / ₄	7	SE ¹ / ₄ SW ¹ / ₄	19

comprising a total of **147** acres of land and the license should be issued for **1.55** cfs.

Applicable permit qualifications have been complied with: Yes Y No

Exceptions to compliance are: **None** Date report completed: **August 31, 1995**



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

NOTE: Due to length of time between the inspection, readvertisement, and licensing, the irrigation questionnaires were reviewed to determine if water use has been continuous. According to the questionnaires, water has been used throughout the 1990's except for one year. The power source and equipment are the same. No chemigation is being used.

INSPECTION CHECKLIST FOR PERMIT NO. 4902-3

DATE OF INSPECTION:	May 27, 1985
NAME & ADDRESS OF INSPECTION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Don Herman, Jr.
NAME & ADDRESS OF PERMIT HOLDER	Don Herman, Jr. RR 1, Box 100 Freeman SD 57029
DIVERSION POINT LEGAL LOCATION	Well: 300 feet N and 2,000 feet W from the SE corner of section 31-T99N- R57W (SW1/4 SE1/4)

Other permit(s) associated with the project: none

WELL INFORMATION:

- 1) Well Drilling Firm: Christensen Well Co.
- 2) No. of Wells one
- 3) Depth(s) 108 feet
- 4) Well log is available Y
- 5) Comment: licensed driller

Casing:

- 1) Diameter 16 inches
- 2) Length 78 feet
- 3) Type plastic

Screen:

- 1) Type stainless steel
- 2) Length 20 feet
- 3) Static water level 5 feet

Pump:

- 1) Make Western Land Roller
- 2) Serial No. 8305369
- 3) Size imp. H 7.06

Motor:

- 1) Make U.S. Electrical
- 2) ID No. R-6326-05-393
- 3) Horsepower rating 75 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 6 inches
- 3) Length 6,900 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Lockwood
- 2) Number of towers 7
- 3) End gun Y
- 4) High or low pressure High, 50 psi
- 5) Capacity 700 GPM

Center pivot:

- 1) Make Lockwood with corner system
 - 2) Number of towers 7
 - 3) End gun Y
 - 4) High or low pressure High, 50 psi
 - 5) Capacity 700 GPM
-

CHEMIGATION EQUIPMENT:

- 1) Does chemigate No, according to chemigation database

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period
Y



 Irrigated acreage

Don Darnell
Natural Resources Engineer

Water Right No. 4902-3



NOT TO SCALE

NOT TO SCALE

center of sec 32-7

49057

31 32
6 5

Maped
out on
Photo No.
275-R

lin. = 660 ft.

SW 1/4 SW 1/4

SE 1/4 SW 1/4

NE 1/4 SW 1/4

SW 1/4 SW 1/4

NE 1/4 SE 1/4

SW 1/4 SE 1/4

SW 1/4 SE 1/4

SE 1/4 SE 1/4

99-57

On Kassel
Photo

y

274-R

380'

2,000'

32.7

50.0

22 ac

2 ac

2.4

7.0

1.0

1.0

1.0

1.0

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4902-3

(1) Clinton Bauer, Freeman SD 57029 made Application No. 4902-3, May 24, 1982 for a water permit to appropriate 1.72 cubic feet of water per second from groundwater (one well), Hutchinson County, South Dakota for irrigation purposes. Permit No. 4902-3, with a priority date of May 24, 1982 was approved July 28, 1982 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 28, 1987 and for the application to beneficial use of said water on or before July 28, 1991.

On December 6, 1982, Water Permit No. 4902-3 was transferred from Clinton Bauer to Don Herman Jr.

The permit was readvertised on May 22 and 29, 1991 to correct errors in the location and number of irrigated acres. The readvertisement of the original notice of hearing did not authorize an increase in the acreage or developed diversion rate.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.55 cubic feet of water per second for beneficial use. The location of the diversion point is 2000 feet west and 300 feet north (SW 1/4 SE 1/4) from the SE corner of Section 31-T99N-R57W.

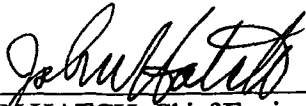
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

All in Section 32-T99N-R57W

	Acreage		Acreage
NE 1/4 SE 1/4	33	NE 1/4 SW 1/4	22
SW 1/4 SE 1/4	14	SW 1/4 SW 1/4	7
NW 1/4 SE 1/4	29	NW 1/4 SW 1/4	2
SE 1/4 SE 1/4	21	SE 1/4 SW 1/4	19

TOTAL 147

(4) Pursuant to South Dakota Water Law 46-5-30.1 Don Herman, Jr., 42961 Colony Road, Freeman SD 57029 the holder and/or owner of Water Permit No. 4902-3 issued a license to appropriate water, the right to use 1.55 cubic feet of water per second from groundwater (one well) with a priority date of May 24, 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. 4902-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 18 1995

date





4902-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: DON HERMAN, JR, 42961 COLONY ROAD, FREEMAN, SD 57029

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4902-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 4902-3 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 11, 2009** 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) 4902-3 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 on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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.

4902-3

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 6814
Status: **Delivered**

Your item was delivered at 11:21 AM on January 24, 2009 in FREEMAN, SD 57029. The item was signed for by V HERMAN.

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

U.S. Postal Service Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 6814

DON HERMAN, JR
42961 COLONY ROAD
FREEMAN SD 57029

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

PS Form 3800, May 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2009

4902-3

Don Herman Jr
42961 Colony Rd
Freeman SD 57029

Dear Mr. Herman:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 4902-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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