

Considered: _____

WATER PERMIT NO. 5056-3

MAP No. same

Name of Applicant Todd Biel

Post Office Address RT. 1 Box 23 Java, S.D.

Amount of Water Claimed 0.17 Total Acres 12

Source of Water Supply Groundwater (75 ft well)

Water to be used for IRR County Campbell

About _____ miles _____ of _____.

PROOF OF PUBLICATION: Received 1st 4-29-85 Not Received _____

APPLICATION: Approved 5-15-85 Subject to _____

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

PRIORITY _____ Date Received 2-1-85 Fee \$150⁰⁰ Remarks _____

2-1-85

Corrected Application Received _____ Period of Annual Use May 1 to Nov. 1

WATER QUALITY APPROVAL RECEIVED 3-15-85 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point same as permit #3074-3

SE4 SE4 sec. 21 T125N-R75W

Land to be Irrigated SE4 SW4 sec. 21 T125N-R75W

	21				
	<u>SW</u>	⊗			

Well Log: Driller Oake Drilling Licensed YES _____ NO _____

Depth of Well 75 Ft REMARKS _____

Type of Map Aerial PREPARED BY Wayne Noble D.O. Reviewed and the Number

assigned on 3-15-85 By Kevin I. Larson

No. 5056-3 Hydrologic Unit 10130106
 Map No. Same Basin Missouri
 Newspaper The Prairie Pioneer, Pollock, Box 218 (Thurs)

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following;

New ☒ Vested Right ☐ Future Use ☐

☐ Application to amend Permit No. _____ with old priority date retained

☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐

☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)

☒ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. 3074-3

☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____

1. Name of Applicant Todd Biel Phone No. _____

Post Office Address Route #1, Box 23 Java State South Dakota 57452
(Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s) No add'l Total acres irrigated 12

3. Source of Water supply Groundwater

4. Location of point of diversion SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, T125N, R75W

_____ County Campbell

5. Counties where water will be used Campbell

6. Annual period during which water is to be used May 1 to November 1

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.
<u>E$\frac{1}{2}$SE$\frac{1}{4}$SW$\frac{1}{4}$ Sec. 21 T125N R75W</u>	<u>12</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Well and distribution system were developed under Water Permit No. 3074-3

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

STATE OF SOUTH DAKOTA)^{ss}
 County of _____

I, Todd Biel the applicant, certify that I have read the foregoing application, 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 Todd Biel

Subscribed and sworn to before me this 9th day of January 1985

Terri Dale Register of Deeds
 Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5056-3
Todd Biel (Applicant) RT. 1 Box 23 Java (Post Office Address)
South Dakota (State) 57452 (Zip Code) With the following qualifications.

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

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

Date of first receipt of application February 1, 1985.
 Date of return to applicant for correction, amendments or changes required —, 19—.
 Date of receipt of corrected application —, 19—. Approved May 15, 1985.

The Water Management Board hereby approves this Water Permit No. 5056-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is February 1, 1985.
2. One-fifth of the work is to be completed on or before November 15, 1987.
3. The whole of said work is to be completed on or before May 15, 1990.
4. The time limit for proof of beneficial use of water is May 15, 1994.
5. The water appropriated shall be used for the purpose of ~~May 1~~ to the 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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 0.17 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. 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 May 15, 1994; said water to be used during the following described annual period: May 1 to November 1

WATER MANAGEMENT BOARD
 By: John H. Hales Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources
JUN 24 1985, 19—

RECEIPT

Division of Water Rights

No 4 9870

South Dakota Department of Water and Natural Resources

Pierre, December 27, 1984

RECEIVED OF Todd Blal, RR#1, Box 23, Java, SD 57452

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

Fee for Application for Permit No. 5056-3 to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.		
Fee for Filing Transfer Form		
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

12-21-84

Kevin Larson,

The enclosed application form is to add 12 additional acres to water permit # 3074-3.

No additional water or equipment is needed. Only currently operating wells and equipment will be used.

Enclosed is a map and soils info from the Campbell County Soil Survey for the 12 acres applied for.

A phone conversation on 12-6-84 with your department determined a new water sample was not needed. Water sample # 76-1227 is the water to be used on this land.

Virgil Bill was the original applicant of permit # 3074-3. His son, Todd is now the owner and is making the application for additional acres.

Also enclosed is a check for the \$50.00 application fee.

James Lanable
County Ext. Agent
Mound City, S.D.



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

January 4, 1985

Todd Biel
Rt 1, Box 23
Java SD 57452

Mr. Biel:

I am in receipt of your application to irrigate 12 acres in conjunction with water permit No. 3074-3. There are several additional items we need to further process your application.

1. I have completed a new set of forms to be signed and notarized.
2. A copy of the aerial photo for Section 21. Please mark the lands to be irrigated and have it signed by your county extension agent.
3. The correct fee for this application is \$150.00. An additional \$100.00 filing fee is needed.

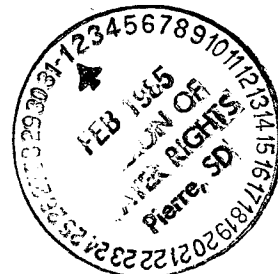
I have forwarded the soils information to the Dept. of Agriculture - Division of Conservation. In order to retain your priority date of December 26, 1984 you will have to return the above to our office by February 22, 1985.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks

enclosures



RECEIPT

Division of Water Rights

No 4 9913

South Dakota Department of Water and Natural Resources

Pierre, February 1, 1985

RECEIVED OF Todd Biel, Rt#1, Box 23, Java, SD 57452

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

Fee for Application for Permit No. 3074-3 to Appropriate Water, to construct works and to put water to beneficial use (add'l fee)	100	00
Fee for Application for Permit No. to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.		
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	100	00

By John Hatch
Chief Engineer

JOHN HATCH ms

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: Todd Biel OWNERS ADDRESS: _____Java, SD 57452COUNTY LAND LOCATED IN: Campbell PHONE: _____

TENANT'S NAME AND ADDRESS: _____

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

1. WELL LOCATION SE 1/4 21-125-75

Depth _____

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Diversion Location _____

Legal Description	Acres	Legal Description	Acres
<u>SE 1/4 21-125-75</u>	<u>12</u>		



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

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: X OTHER: _____ (Specify)6. CROPS TO BE IRRIGATED: CORN, ALFALFA

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

7. WATER SAMPLE NUMBER: <u>76-1227</u>	10. ADJUSTED (SAR): _____
8. SALINITY (EC X 10 ⁶): <u>1380</u>	11. PERCENT SODIUM <u>32.08</u>
9. SODIUM (SAR): <u>2.25</u>	

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.

Signature, of Water Sampler.

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

DAY OF JAN., 19 85

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE_____
Director, Division of Conservation

Date

APPROVED_____
DISAPPROVEDX CONDITIONALLY APPROVED

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.

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

Conditional Approval

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATIONNAME OF APPLICANT: Todd BialLEGAL DESCRIPTION: SE 1/2 SW 1/4 SW 1/4 21-125-75 = 12 acresSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

The areas mapped as Wabek-Lehr loams 6-15% slope (53D) and Vida-Zahl loams 6-15% slope shall be restricted from irrigation on slopes over 9% because of the erosion hazard.

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

The area mapped as Bowbell loam has a water table present at 4 to 6 feet which may become perched in the root zone when irrigated. In a perched state this water table may inhibit the necessary leaching of salt and reduce crop yields because of excess wetness. To reduce this hazard may require the installation of an artificial drainage system ie tile drains.

RECOMMENDED MANAGEMENT:

We recommend the use of conservation tillage to conserve soil moisture and to reduce erosion.

We also feel that your water management plan will be very important because of the textural differences of the soil and the water table under Bowbell soils.

Todd Bial
SIGNATURE3-14-85
DATE

REPORT ON APPLICATION NO. 5056-3

TODD BIEL

March 26, 1985

Application No. 5056-3 proposes to irrigate an additional 12 acres of land utilizing an existing well and equipment covered under Permit No. 3074-3. An additional 0.17 cubic feet per second of groundwater with a priority date of December 26, 1984 is assigned to this application.

Aquifer Characteristics

Application No. 5056-3 will withdraw water from the Selby aquifer. The Selby aquifer consists of sands and gravels of glacial origin. The aquifer is at or near land surface, varies from 0 to over 50 feet thick, and underlies approximately 170,900 acres in portions of Campbell, McPherson and Walworth Counties (Hedges, 1983). There is an estimated 605,000 acre feet of recoverable water in the Selby aquifer. This value is based on an average thickness of 25 feet and a specific yield of 0.15 (Hedges, 1983). This value is conservative in comparison to the 640,000 acre feet calculated to be in the Selby aquifer in Campbell County by Koch, 1970.

Recharge to the Selby is by direct infiltration of precipitation. Most of the recharge occurs during spring snowmelt and early summer rains. Precipitation during mid and late summer does not recharge the aquifer due to evapotranspiration. Observation well records show a drop in water levels from 0 to 3 feet depending on location within the aquifer (see attached hydrograph). This drop has been within the last five years. Part of the explanation for this drop is the increased demands by high capacity wells. The main reason for the drop is the lack of recharge to the system. To show the lack of recharge, precipitation records for the Selby station were used. The average precipitation with 31 years of records for the months February thru June (when recharge will occur) is 10.0 inches. For the 5 years period where the water levels have dropped the precipitation has been below average. The highs and lows compare well with observation well CA-57A.

Water Use

There are 37 permits from the Selby aquifer for irrigation. These 37 permits appropriate 21,361 acre feet of water. This is 4 percent of the total amount of recoverable water. The actual water used is approximately 8% of the amount appropriated.

Conclusions

1. Application No. 5056-3 proposes to withdraw 0.17 cfs of groundwater from the Selby Aquifer.
2. The Selby Aquifer has unappropriated water available for Application No. 5056-3.
3. Application No. 5056-3 will utilize the same well and equipment as Permit No. 3074-3; therefore the waters withdrawn from the Selby will have two priorities. Water withdrawn for 3074-3 (1.8 cfs) has October 13, 1976 for a priority and 5056-3 (0.17 cfs) has December 26, 1984 for a priority.

Conclusions (cont)

4. Water levels in monitoring wells have dropped between 0 and 3 feet in the last five years.
5. Observation wells exist and are monitored in the Selby aquifer.
6. Precipitation above or at 10.0 inches in the spring months is necessary to maintain or raise the water levels at the present withdrawal and evapotranspiration rates.

Gale N Selken P.E.

GALE N SELKEN
Hydrologist III

References

Hedges (etal.) Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, 1982.

Koch, Neil C, Geology and Water Resources Bulletin 20, South Dakota Geological Survey, 1970.

Department of Water and Natural Resources, Water Rights Division, Observation well records (microfiche and computerized) and Water Right Division records (unpublished).

Climatological Data Annual Summary, South Dakota years 1953 thru 1983 for Selby station.

SELBY

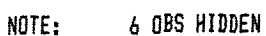
YEAR	TOTAL ANNUAL PRECIP	FEB.	MARCH	APRIL	MAY	JUNE	TOTAL FEB/JUNE PRECIP
1953	20.7	0.5	1.4	2.4	3.9	7.8	16
1954	14.1	0.1	0.5	0.5	1.2	5	7.3
1955	12.3	0.6	0.2	2	2.7	2.6	8.1
1956	17.3	0.1	0.6	0.4	2.5	1.6	5.2
1957	24.8	0.2	0.2	3.3	5.7	4.7	14.1
1958	17.7	0.8	0.3	2.3	3	2.9	9.3
1959	14.8	0.5	0	0.9	4.2	1.5	7.1
1960	15.4	0.6	0.4	1.2	2.1	2.7	7
1961	14	0.2	1.1	1.1	3.9	0.8	7.1
1962	20.5	0.9	0.4	0.5	5	4.6	11.4
1963	19.4	0.5	0.7	1.8	2.5	3.4	8.9
1964	17.2	0.1	0.4	4.5	2.9	5.9	13.8
1965	21.9	0.2	0.7	3.6	5.1	7	12.6
1966	16	0.7	2	1.5	1	2.3	7.5
1967	14.2	0.6	0	3.1	1.4	4.8	9.9
1968	23.4	0	1.5	5.9	3	7.7	18.1
1969	15.3	0.8	0.3	0.2	2	3.7	7
1970	20	0.2	0.4	3.5	2.8	3.7	10.6
1971	19.1	0.4	0.1	3	3	5	11.5
1972	15.7	0.4	0.4	0.8	1.1	2.1	7.8
1973	13.6	0.1	2.1	1.2	2	1.2	6.5
1974	13.2	0.2	0.5	2.6	4.1	0.4	7.8
1975	16.7	0.2	2.7	3.5	3.2	3.4	13.1
1976	12.3	0.7	0.9	2	0.1	4.2	6.6
1977	21.7	0.5	3.6	1.1	2.5	2.7	10.4
1978	18.3	0.3	0.5	2.2	4.1	4.2	11.3
1979	MISSING						0
1980	14	0.3	0.3	0.9	0.5	2.4	4.4
1981	18.4	0.1	0.6	0.6	1.6	4.6	7.5
1982	18.1	0.5	2.2	1.9	3.1	1.5	9.2
1983	20.2	0.2	1.7	1.4	1.5	3.1	7.9
1984		0.4	1.3	3	1.5	5.5	11.7
							0
							0

Average 10.0

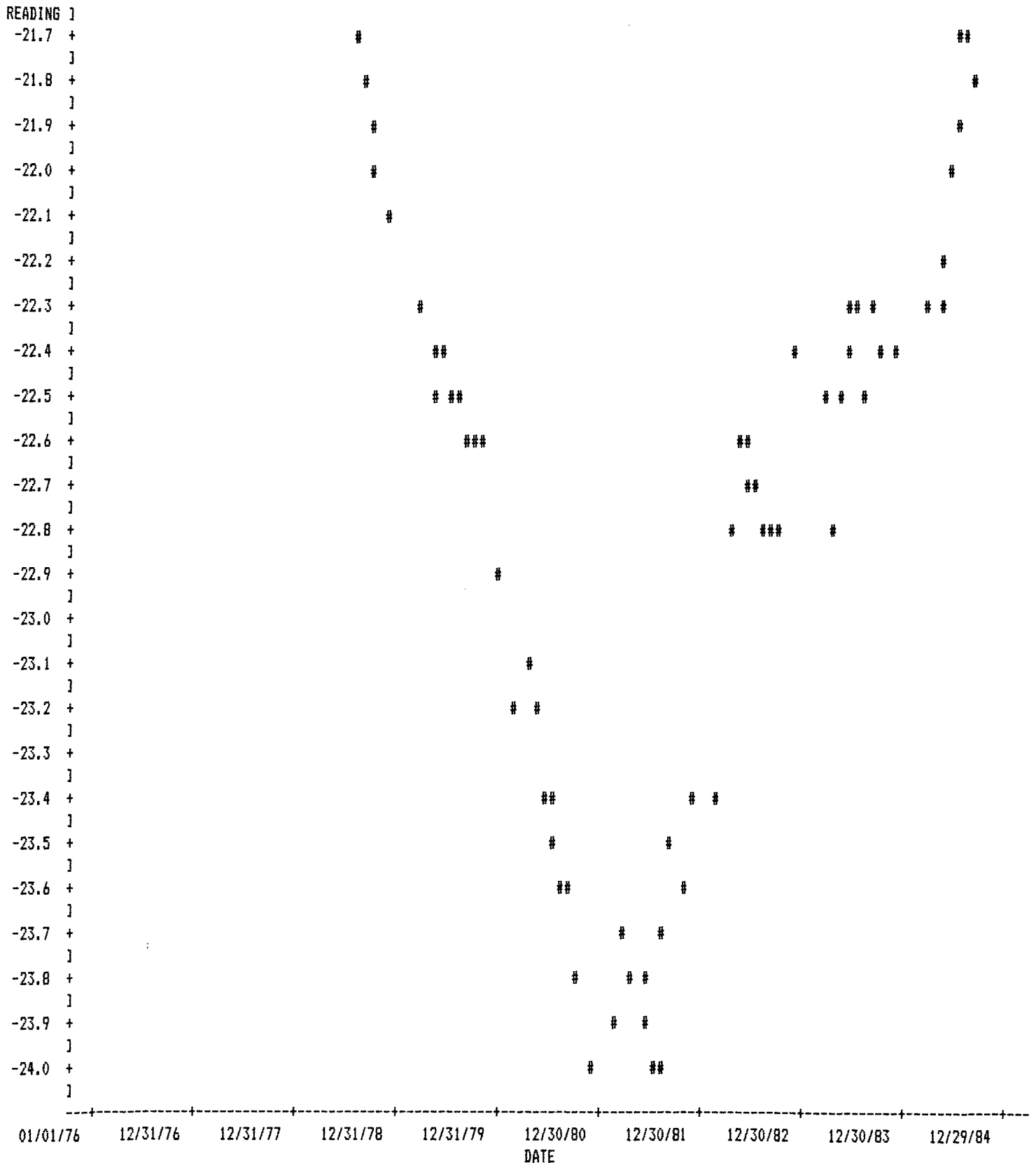
READING 1



NOTE: 7 OBS HIDDEN

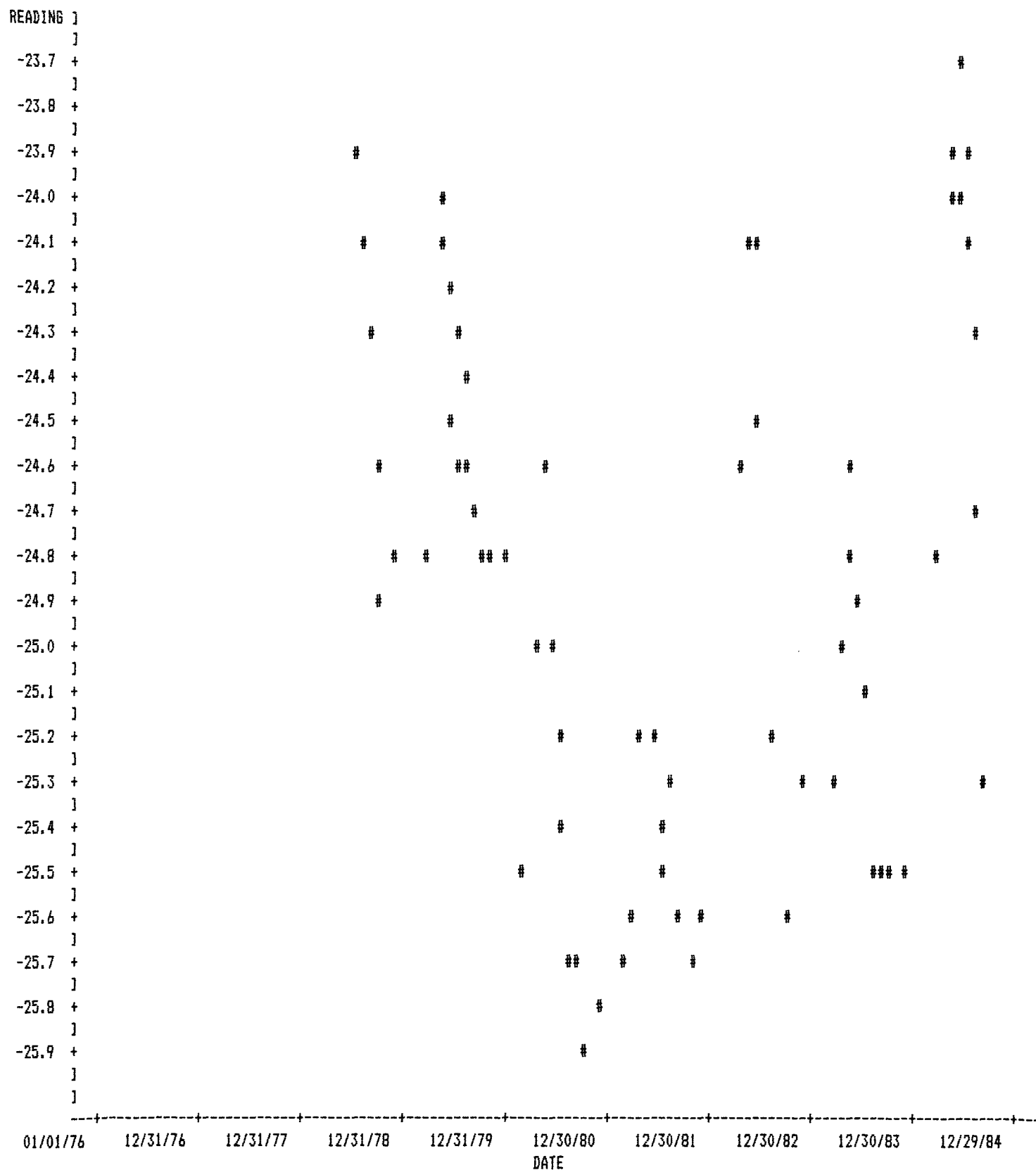
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PLOT OF READING*DATE SYMBOL USED IS #



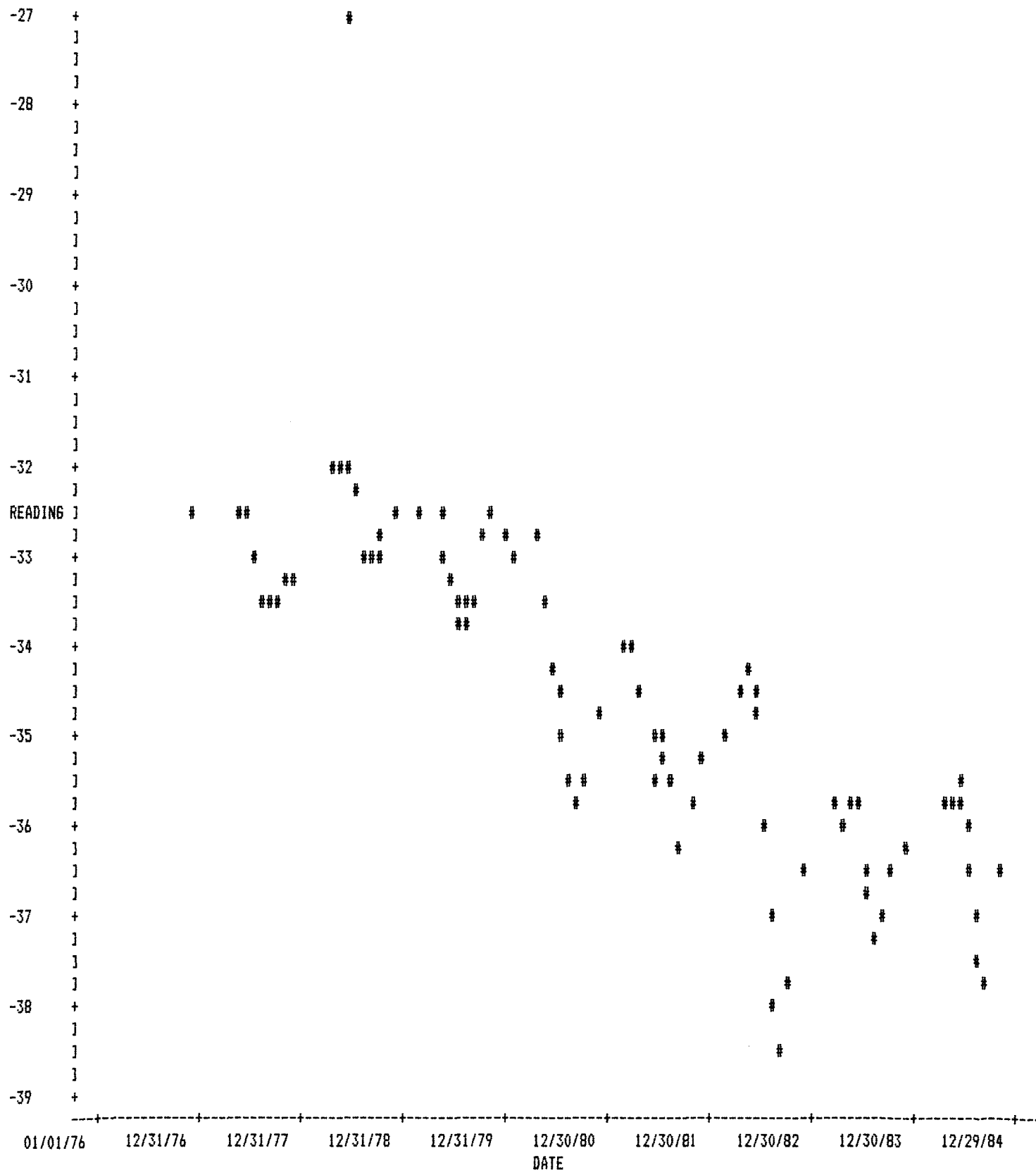
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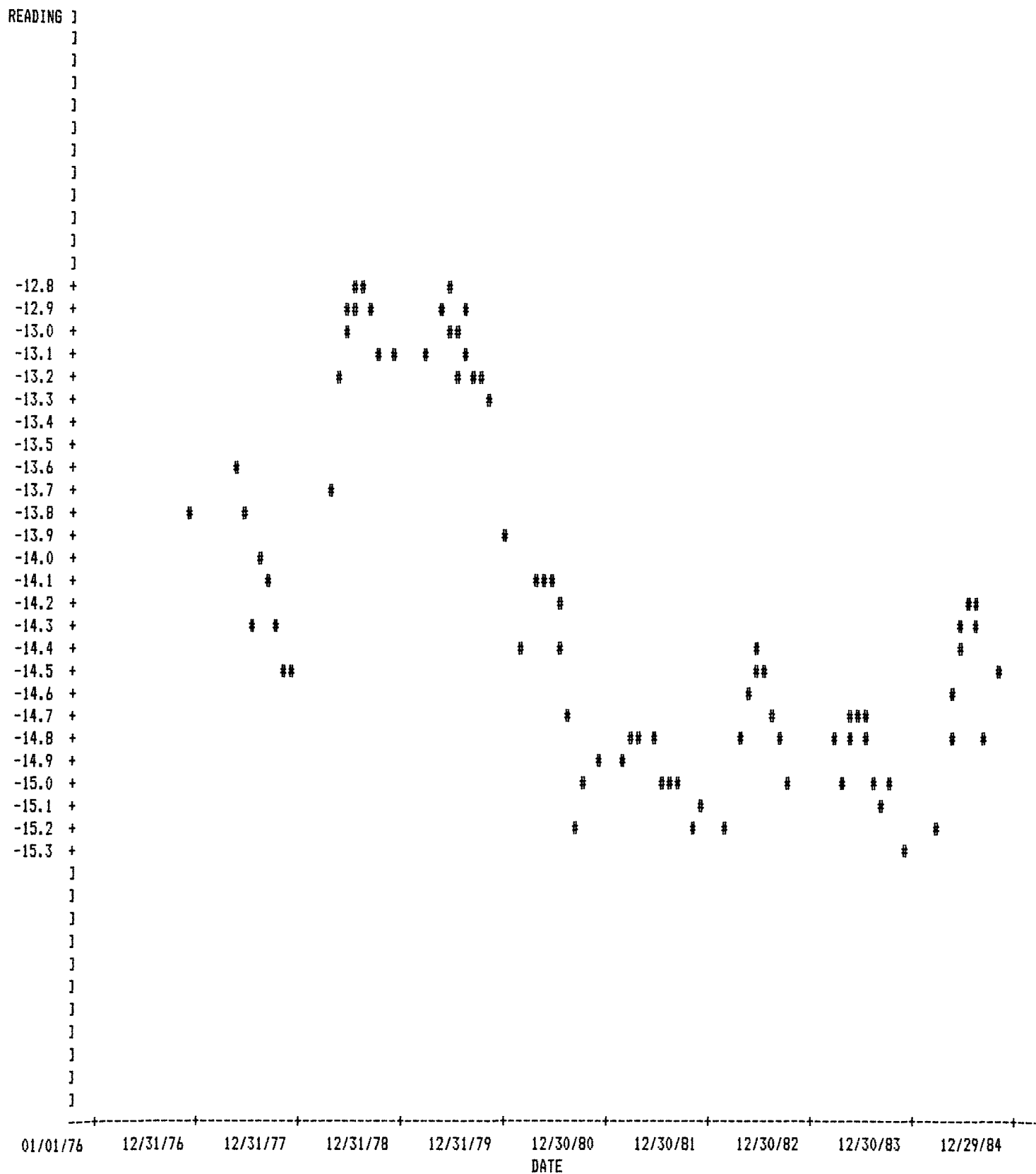
NOTE: 2 OBS HIDDEN

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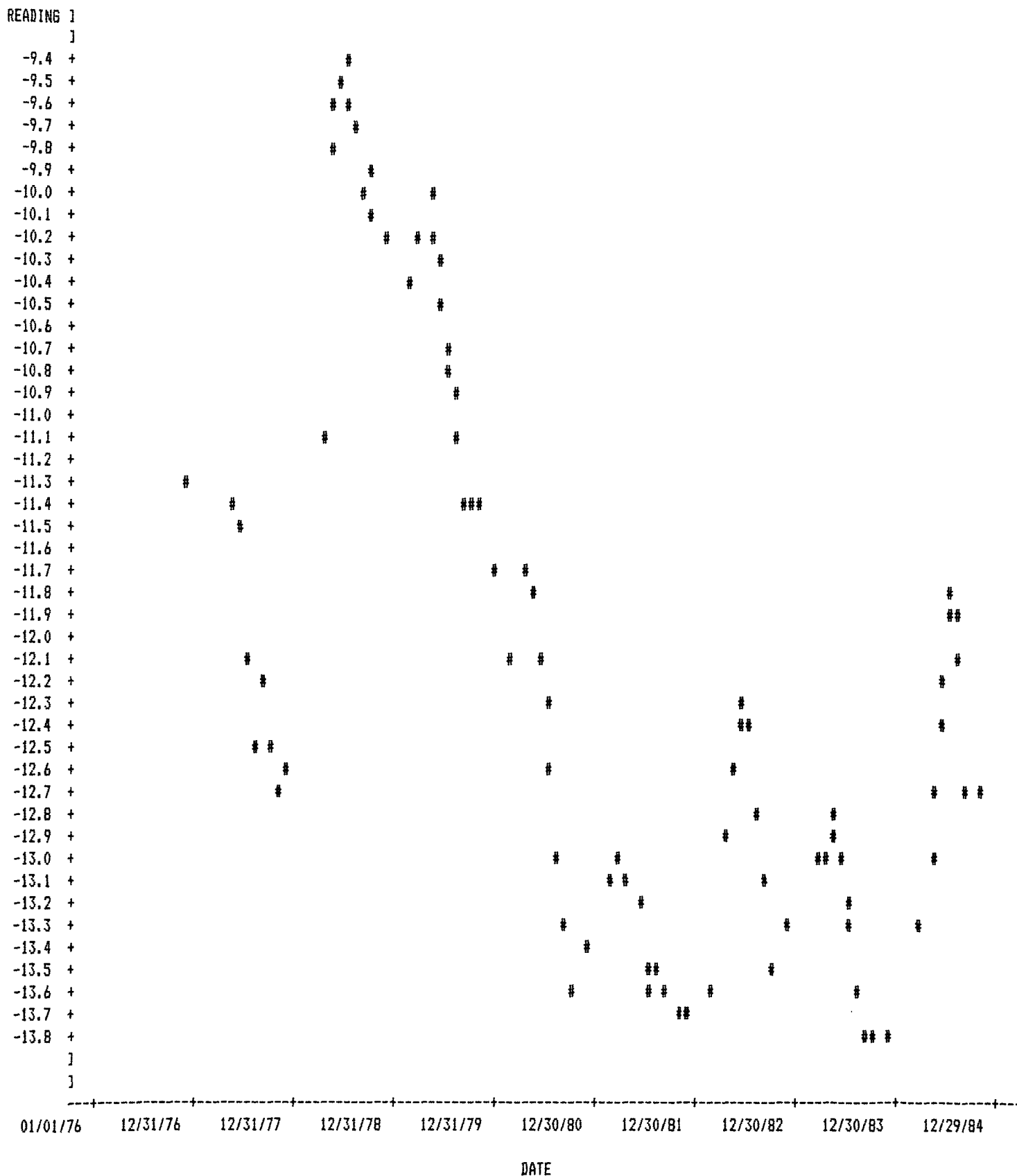
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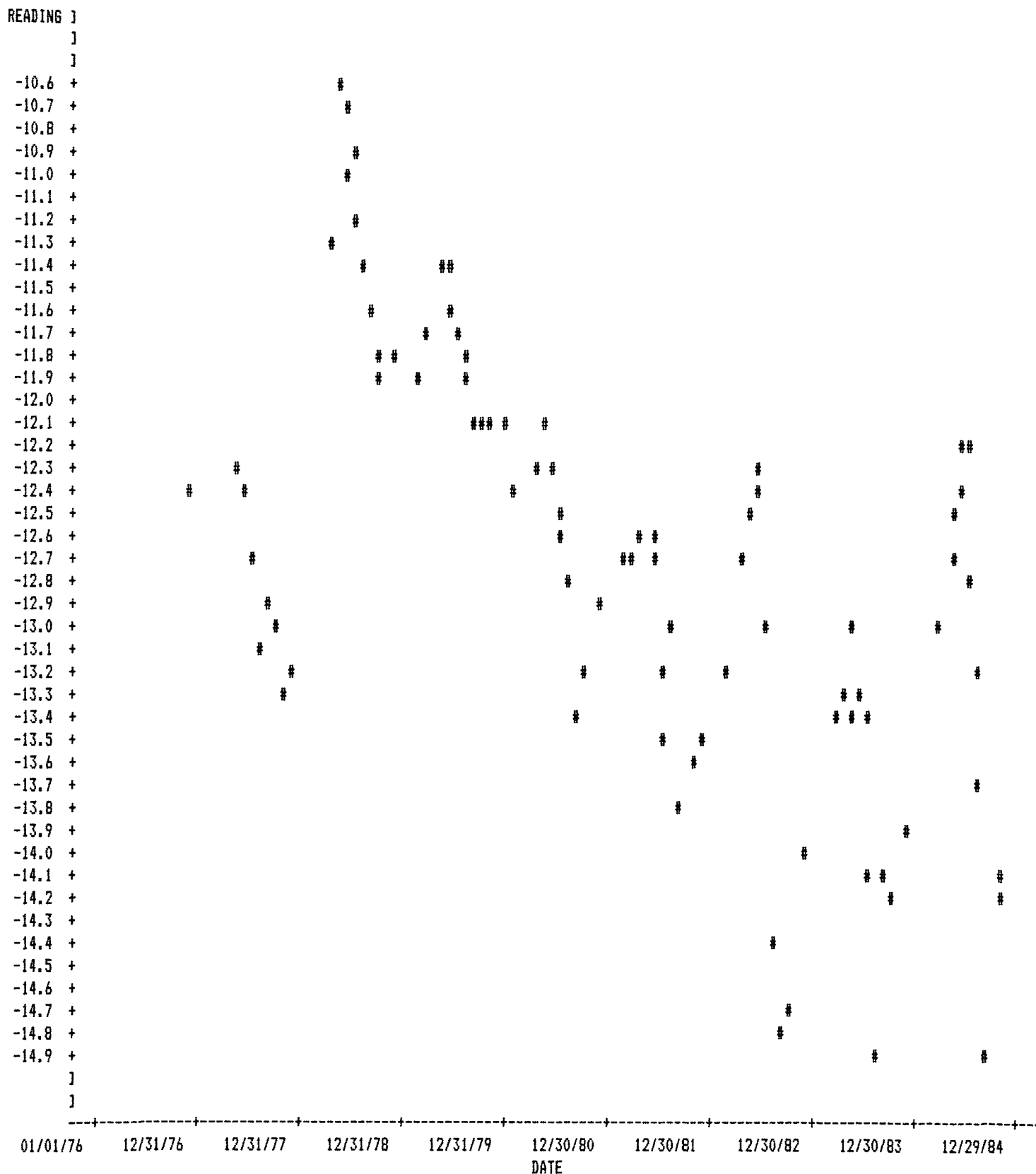
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NOTE: 1 OBS HAD MISSING VALUES OR WERE OUT OF RANGE 3 OBS HIDDEN

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION NO. 5056-3, Todd Biel

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 Water Permit Application No. 5056-3, Todd Biel, Rt 1, Box 23, Java SD.

The Chief Engineer is recommending APPROVAL of Application No. 5056-3 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

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

See the attached report for additional information.



JOHN HATCH, Chief Engineer
March 28, 1985

No. 5056-3

Instruction to Newspaper - Publish first publication of the following Notice on or before April 4, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5056-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Rights No. _____~~

Notice is hereby given that Todd Bliel whose mailing address is
Route #1, Box 23, Java, South Dakota has made an application for a permit

to appropriate 0.17 cfs from an existing well to irrigate 12 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, T125N-R75W. The well is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, T125N-R75W and was drilled under water permit No. 3074-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 5056-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Civil Defense Room in basement of Capitol Building, Pierre, SD, May 15 1985 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by May 3, 1985. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ 46-5-38 thru 46-5-40; ~~(transfer lands)~~ 46-5-30.4, 46-5-33 thru 46-5-35; ~~(10,000 AFA)~~ 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; ~~(future use)~~ 74:02:01:24 thru 74:02:01:25; ~~(10,000 AFA)~~ 74:02:01:15:02 thru 74:02:01:15:05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNr, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 3, 1985.

No. 5056-3

**Notice of Hearing
on Application No. 5056-3
to Appropriate Water**

Notice is hereby given that Todd Biel, whose mailing address is Route 1, Box 23, Java, South Dakota has made an application for a permit to appropriate 0.17 cfs from an existing well to irrigate 12 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, T125N-R75W. The well is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, T125N-R75W and was drilled under water permit No. 3074-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5056-3 because 1) unappropriated water is available, 2) will be no lawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Civil Defense Room in basement of Capitol Building, Pierre, SD, May 15, 1985 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by May 3, 1985. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Campbell) ss.

I, Bruce J. Bair hereby

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

Water was taken from the Prairie Pioneer

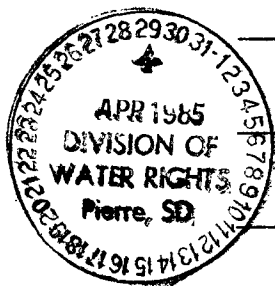
A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the

Town of Pollock

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

April 4, 1985

April 11, 1985

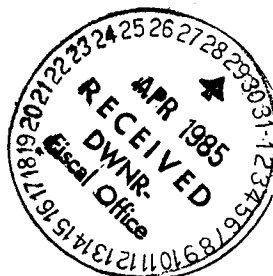


Bruce J. Bair
(Signature)

Editor
(Title)

April 26, 1985
(Date Signed)

Cost of Printing: \$38.39



This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; 46-6-3, 46-6-3.1, 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.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation for further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Bldg., Pierre, S.D. (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 3, 1985.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

5056-3

JUN 24 1985

Todd Bliel
Route #1, Box 23
Java, South Dakota 57452

Dear Mr. Bliel:

Enclosed herewith is your Water Permit No. 5056-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 5056-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

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

Post Office HC Box 23 Java, SD
Date 7-7-85

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.

_____.
Water Right Permit No. 5056-3 ~~30743~~ states that the diversion system is to be constructed by Self, and that the water is put to beneficial use by Self.

The diversion system was completed on _____. Applying the water to beneficial use was completed on _____.

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.

Todd Briel
(Signature)



Permit No. 5056-3 & 3074-3
MISSOURI 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, 7/18/95, made a thorough examination of the water use system constructed by TODD BIEL of 31362 122 ST, JAVA SD holder of Permit No. 3074-3, bearing the priority of OCTOBER 13, 1976 authorizing the diversion of 1.80 cu. ft. per second and Permit No. 5056-3, bearing the priority of FEBRUARY 1, 1985 authorizing the diversion of 0.17 cu. ft. per second of the waters of GROUNDWATER for IRRIGATION purposes, in CAMPBELL County.

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

A. Works used to divert the water:

A BERKLEY PUMP WITH A 1000 GPM CAPACITY

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

1200 FEET OF HOSE AND 2640 FEET OF PVC PIPE

C. Works used to apply water to beneficial use:

TWO EZ RAIN BIG GUNS

The system is in the following condition GOOD. The point of diversion is located : **FROM THE SE CORNER OF SECTION 21 T125N-R75W; 620 feet NORTH AND 1060 feet WEST.** The works are capable of diverting and conveying to the place of use 2.22 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 LAND LOCATED IN SECTION 21 T125N-R75W

NW1/4 SE1/4 - 28 ac NE1/4 SE1/4 - 38 ac SE1/4 SE1/4 - 33 ac SW1/4 SE1/4 - 29 ac SE1/4 SW1/4 - 10 ac comprising a total of 138 acres of land and the license should be issued for 1.97 cfs.

Applicable permit qualifications have been complied with: YES

Exceptions to compliance are: NONE



Mark D. Rath
Natural Resources Engineer
DENR, Water Rights Program

10/5/95
Date

REPORT ON INSPECTION OF PERMIT NO. 5056-3

DATE OF INSPECTION: 7/18/95

Other permit(s) associated with the project: 3074-3

**DIVERSION POINT LEGAL LOCATION: FROM THE SE CORNER OF SECTION 21 T125N-R75W;
620 feet NORTH AND 1060 feet WEST**

WELL INFORMATION:

- 1) Well Drilling Firm: OAHE DRILLING
- 2) No. of Wells 1
- 3) Depth(s) 73 feet
- 4) Well log is available YES

Casing:

- 1) Diameter 15 inches
- 2) Length 33 feet
- 3) Type PVC

Screen:

- 1) Type SLOTTED PVC
- 2) Length 40 feet
- 3) Static water level 15 feet

Pump:

- 1) Make BERKLEY
- 2) Model 7700238
- 3) Size 12
- 4) Capacity 1000 GPM

Motor:

- 1) Make CASE
- 2) Model No. DIESEL
- 3) Horsepower rating 75 hp

DISTRIBUTION LINES OR CANALS:

1) Type **PVC** 2) Size **8** inches 3) Length **2640** feet

1) Type **RUBBER HOSE** 2) Size **4** inches 3) Length **1200** feet

SYSTEM TYPE:

Gun: NO. 1

- 1) Make **EZ RAIN**
- 2) Nozzle size **1.25** inches
- 3) Capacity **500** GPM
- 4) Hose size **4** inches

Gun: NO. 2

- 1) Make **EZ RAIN**
- 2) Nozzle size **1.25** inches
- 3) Capacity **500** GPM
- 4) Hose size **4** inches

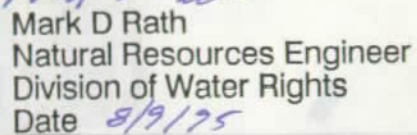
CHEMIGATION EQUIPMENT:

- 1) Does chemigate **NO**

PERMIT QUALIFICATIONS AND REGULATIONS:

- 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**

NOT TO SCALE



5057-3



October 6, 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Permit No. 5056-3

Todd Biel
31362 122 St.
Java, SD 57452

Dear Mr. Biel:

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 Nos. 3074-3 and 5056-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 3074-3 will be incorporated into 5056-3.

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

5056-3

Todd Biel
31362 122nd Street
Java, SD 57452

Dear Mr. Biel:

Enclosed is Water License No. 5056-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414657 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. 5056-3, 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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 3074-3 have been incorporated into this Water License No. 5056-3.

RECEIPT

414657

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ November 1, 19 95

RECEIVED OF Todd Biel, 31362 122nd St, Java, SD 57452

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>5056-3</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 John Hatch
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5056-3

(1) Todd Biel of 31362 122nd Street, Java, SD 57452 made Application No. 5056-3, February 1, 1985 for a water permit to appropriate 0.17 cubic feet of water per second from groundwater (one well), Campbell County, South Dakota for irrigation purposes. Permit No. 5056-3, with a priority date of February 1, 1985 was approved May 15, 1985 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 15, 1990 and for the application to beneficial use of said water on or before May 15, 1994.

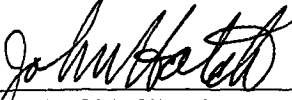
Water Permit No. 5056-3 was obtained to authorize irrigation of an additional 12 acres developed but not permitted under Water Permit No. 3074-3. The applicable portions of Water Permit No. 3074-3 have been incorporated into this Water License No. 5056-3. The acreage developed in the SE $\frac{1}{4}$ retains a priority date of October 13, 1976, as established under No. 3074-3. The acreage developed in the SW $\frac{1}{4}$ retains a priority date of February 1, 1985, as established under Water Permit No. 5056-3.

(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 1.97 cubic feet of water per second for beneficial use. The location of the diversion point is 620 feet N and 1060 feet W of the SE corner of Section 21, T125N, R75W (SE 1/4 SE 1/4).

(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 **138 acres located in Section 21, T125N, R75W:**

Priority date: October 13, 1976	Priority date: February 1, 1985
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 28 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 38 acres	
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres	
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 29 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Todd Biel of 31362 122nd Street, Java, SD 57452 the holder and/or owner of Incorporated Water Permit No. 5056-3 is issued a license to appropriate water, the right to use 1.97 cubic feet of water per second from groundwater (one well) with priority dates of October 13, 1976 (1.80 cfs) and February 1, 1985 (0.17 cfs) 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 Incorporated Water Permit No. 5056-3 and subject to South Dakota State Law.



John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 18 1995

date



125-75

10.7

35.4

ALL LANDS TO BE
IRRIGATED LOCATED IN
SE $\frac{1}{4}$, Sec. 21, T. 125N, R. 75W

ADDITIONAL 12 ACRES
LOCATED:
E $\frac{1}{2}$ -SE $\frac{1}{4}$ -SW $\frac{1}{4}$ -21-125-75

James Kanable
County Ext. Agent
Mound City, SD

21

CROPLAND
IRRIGATED

71.0

CROPLAND
IRRIGATED

10.3

X APPROX. WELL
LOCATION

MAR #
APP #
5056-3

125-75

OWNER: Virgil Biel
Wayne & Noble, D.C.

APR 11 1983
APR 12 1984

2004 Water Management Board Irrigation Questionnaire

5056-3

Please fill out and return before December 3, 2004

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352 or send your form(s) electronically over the internet at <http://www.state.sd.us/eforms/secure/eforms/E0455V3-IQ.pdf>

No. 5056-3

TODD BIEL
31362 122ND ST
JAVA SD 57452

Any address/ownership corrections?

Telephone No. _____

1. Is the system constructed? *yes _____ no _____

*Type of system used (check all that apply):

center pivots _____ towlines _____ big gun _____

flood _____ sprinklers _____ other _____

2. Did you irrigate in 2004? *yes _____ **no X

*If yes, number of acres irrigated _____

**If no, list reason(s) in comment box and answer No. 3:

Comment Box

Not irrigating at this
Time - would like to keep
Permit



BB	BA	AB	AA
(B)			(A)
BC	BD	AC	AD
CB	CA	DB	DA
(C)			(D)
CC	CD	DC	DD

1 square mile

B.
C.

Office use only

RECEIVED
NOV 02 2004
WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 5056-3 (see above section map for help reading legal descriptions)

sec 21-T125N-R75W, CD – 10.00 acres

sec 21-T125N-R75W, D – 128.0 acres

Please provide your 2004 water use to irrigate the above acreage on the REVERSE side of this form.

For an updated example questionnaire, please refer to the reverse side of your cover letter.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 16, 2005

5056-3

Todd Biel
31362 122nd St
Java SD 57452

Dear Mr. Biel:

I am writing to you in regard to your Water Right No. 5056-3. The water right authorizes irrigation of portions of the S ½ of Section 21, T125N, R75W. On last year's irrigation questionnaire you mentioned that you were not irrigating at this time but would like to keep your water right.

Under South Dakota Water Law, water must be applied to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. The three year period is waived if legal excuse exists for not irrigating. Enclosed is a summary of the water laws and Water Management Board Rules dealing with these issues.

Water rights for irrigation can not be held for "future use" and must be used in order to be maintained. If you wish to maintain the water right, water must be applied to beneficial use or the right may become lost due to abandonment and/or forfeiture.

This information may or may not have any bearing on your farming operation but I wanted to let you know in advance the criteria for maintaining your water right.

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

enclosure

2018 Water Management Board Irrigation Questionnaire

Please fill out and return before December 3, 2018

5056-3

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773-3181 or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 5056-3

TODD BIEL
31362 122ND ST
JAVA SD 57452

1. Did you irrigate in 2018? *yes ☐ **no ☒

*If yes, number of acres irrigated? _____

**If no, check reason(s) for not irrigating acres covered by Permit No. 5056-3

sufficient moisture ☐ no water available ☐

system not constructed ☐ use abandoned ☐

enrolled in CRP ☒, through what year? 2028

other ☐, please explain in the Comment Box:

Comment Box

Any address/ownership corrections?

Email _____

Phone _____

2. If your answer to question No. 1 is "no," you are done! If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2018? yes ☐ no ☐

4. If more than one water source is listed below, circle each source used. A. GROUNDWATER

5. Provide your water use on the back of this form.



NWNW	NENW	NWNE	NENE
NW			NE
SWNW	SENW	SWNE	SENE
NWSW	NESW	NWSE	NESE
SW			SE
SWSW	SESW	SWSE	SESE

1 square mile

Office use only

RECEIVED

NOV 05 2018

WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 5056-3

(see above section map for help reading legal descriptions)

sec 21-T125N-R75W, SE1/4SW1/4 - 10.00 acres

sec 21-T125N-R75W, SE1/4 - 128.0 acres

Please provide your 2018 water use to irrigate the above acreage on the REVERSE side of this form.