

Considered: _____

WATER PERMIT NO. 5164-3

MAP No. same

Name of Applicant James E. Faulstich

Post Office Address Route 1, Box 40, Highmore SD 57345

Amount of Water Claimed no add'l Total Acres transfer 15

Source of Water Supply Lake Mitchell

Water to be used for irrigation County Hyde

About 10 1/2 miles N of Highmore

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Oct. 13, 1987 Fee 50.00 Remarks transfer

location of 15 acres to be irrigated (see Right No. 1309A-3)

Corrected Application Received _____ Period of Annual Use Apr 1 - Oct 1

WATER QUALITY APPROVAL RECEIVED Nov 17, 1987 APPROVED/CONDITIONAL (Circle one)

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

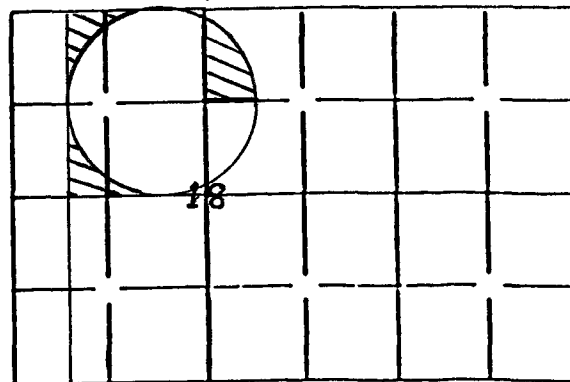
Diversion Point SE 1/4 NE 1/4 section 18 - T114N -

R71W

Land to be Irrigated NW 1/4 NE 1/4 section 18 -

T114N - R71W

☒ deleted
☒ added



Well Log: Driller NA Licensed YES _____ NO _____

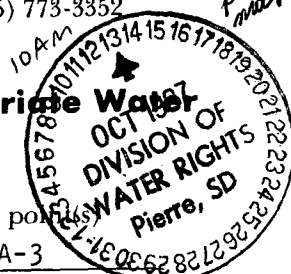
Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Ron Duwall Reviewed and the Number

assigned on December 11, 1987 By Ron Duwall

(See instructions)

No. 5164-3 Hydrologic Unit 10160009
Basin James River
Newspaper Highmore Herald, Box 435 (wed)



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 1309A-3

1. Name of Applicant James E. Faulstich Phone No. _____

Post Office Address Route 1, Box 40 Highmore SD State 57345 Zip Code
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s.) no Add'l Total acres irrigated see 1309A-3

3. Source of Water supply Lake Mitchell

4. Location of point of diversion Lake Mitchell: 330 ft N and 1450 ft E from center of
section 18 - T114N - R71W (SE $\frac{1}{4}$ NE $\frac{1}{4}$)

County Hyde

5. Counties where water will be used Hyde

6. Annual period during which water is to be used April 1 - October 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.
NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 18-T114N-R71W	15

Land Description	No. Acres Irr.

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 delete irrigation of 15 acres authorized by Water Right No. 1309A-3 and transfer irrigation of the 15 acres to the NW $\frac{1}{4}$ NE $\frac{1}{4}$ section 18-T114N-R71W. The acreage to be deleted from No. 1309A-3 is the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (7 ac), NE $\frac{1}{4}$ NW $\frac{1}{4}$ (1 $\frac{1}{2}$ ac), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (7 ac), SE $\frac{1}{4}$ NW $\frac{1}{4}$ (1 $\frac{1}{2}$ ac) section 18-T114N-R71W. This application does not authorize any increase in acreage irrigated or water appropriated.

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 Hyde)^{ss}

I, James E. Faulstich, 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.

D. G. MATRE

Notary Public - South Dakota
HYDE COUNTY

My Commission Expires 7-1-92 Subscribed and sworn to before me this 8th day of October 1987

Signed James E. Faulstich

D. G. Matre
Notary Public

IRRIGATION WATER PERMIT APPROVAL

The Water Management Board hereby approves Water Permit Application No. 5164-3

relocate to irrigate 15 acres ~~in~~ authorized by Permit No. 1309A-3 From the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (7ac), NE $\frac{1}{4}$ NW $\frac{1}{4}$ (1/2ac), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (7ac), SE $\frac{1}{4}$ NW $\frac{1}{4}$ (1/2ac) to the NW $\frac{1}{4}$ NE $\frac{1}{4}$; all in section 18-T114N-R71W. The diversion point from Lake Mitchell is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ section 18-T114N-R71W.

(diversion point, source, depth of well, etc.)

for

James E. Faulstich Route 1, Box 40
(Applicant) (Street, RR or Box)
Highmore SD 57345 With the following qualifications.
(City) (State) (Zip Code)

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

Date of first receipt of application October 13, 1987.

Date Soil/Water Compatibility Permit received November 17, 1987.

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

Date of receipt of corrected application _____, 19____. Approved March 3, 1988.

The Water Management Board approved this Water Permit No. 5164-3 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 see Water Right Nos. 1309-3 & 1309A-3 August 1, 1966.
2. One-fifth of the work is to be completed on or before September 3, 1990.
3. The whole of said work is to be completed on or before March 3, 1993.
4. The time limit for proof of beneficial use of water is March 3, 1997.
5. 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.
6. The amount of the appropriation herein granted shall not exceed no add'l cubic feet per second; neither shall it exceed 2 acre feet per acre per year or 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 March 3, 1997. The water is to be used during the following described annual period: Apr 1 - Oct 1

WATER MANAGEMENT BOARD

By: John Hallett
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

APR 28 1988

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411008

Pierre, October 13, 1987, 19

RECEIVED OF James E. Faulstich, Route 1, Box 40, Highmore, SD 57345

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

Fee for Application for Permit No. <u>5164-3</u> 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 John Hatch
Chief Engineer

JOHN HATCH



SOUTH DAKOTA Department of
Water & Natural Resources

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

October 6, 1987

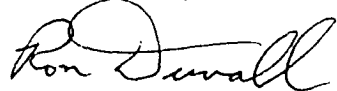
James E. Faulstich
Route 1, Box 40
Highmore, SD 57345

Dear Mr. Faulstich:

This letter is in response to our phone conversation on October 2, 1987 regarding your water rights. Enclosed are partially completed application forms to allow a transfer of acreage to allow installation of a center pivot system. The enclosed map shows the proposed location of the pivot with the acreage to be added cross-hatched in red and the acreage to be deleted in green. Please examine the map and indicate whether or not the proposed pivot is in the correct location. The application fee to allow a transfer of acreage is \$50.00. The application forms need to be completed according to the enclosed instruction sheet and returned with the map and application fee. I will sign the map if you indicate no changes are necessary.

Please contact us if you have any questions.

Sincerely,

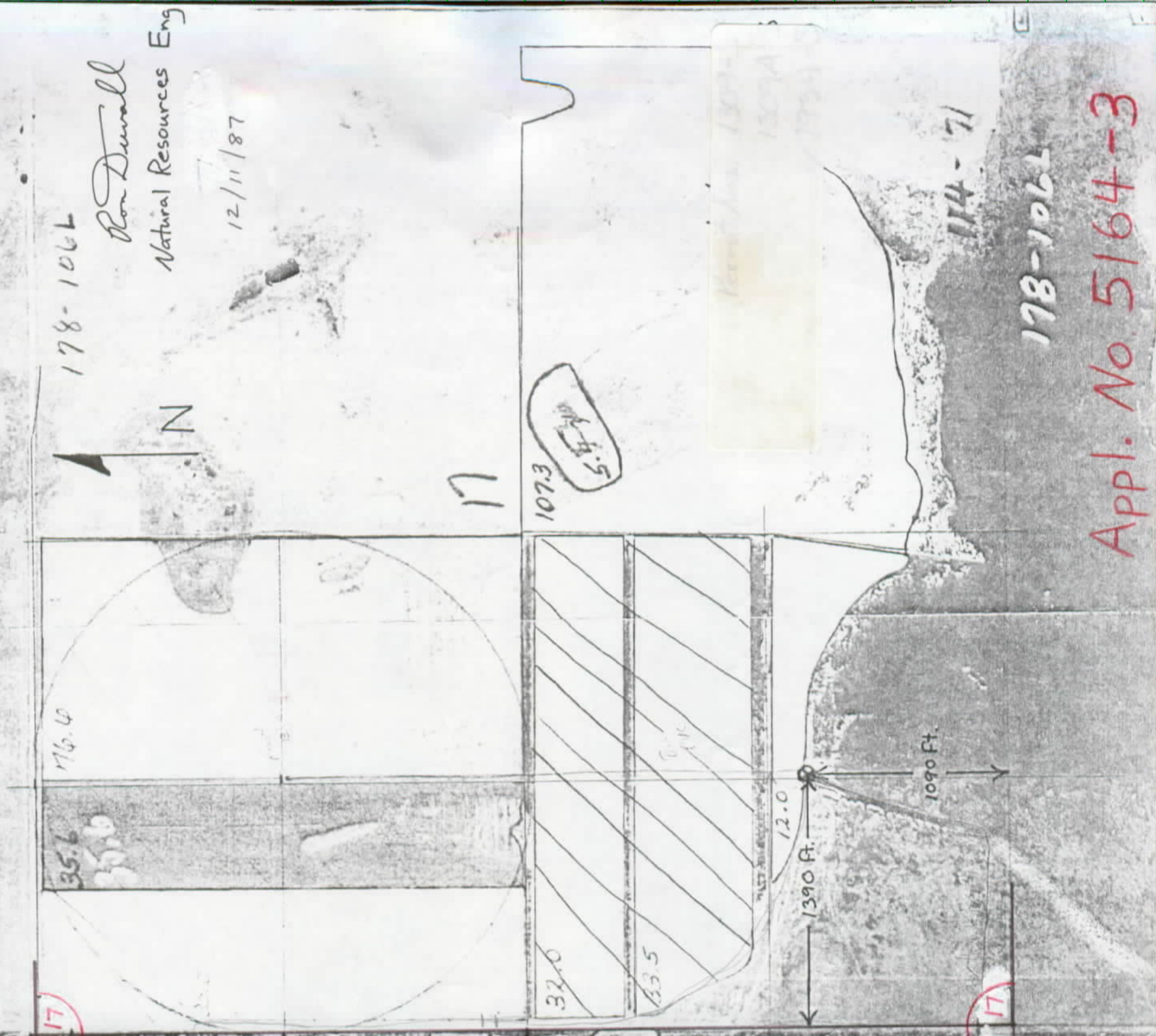
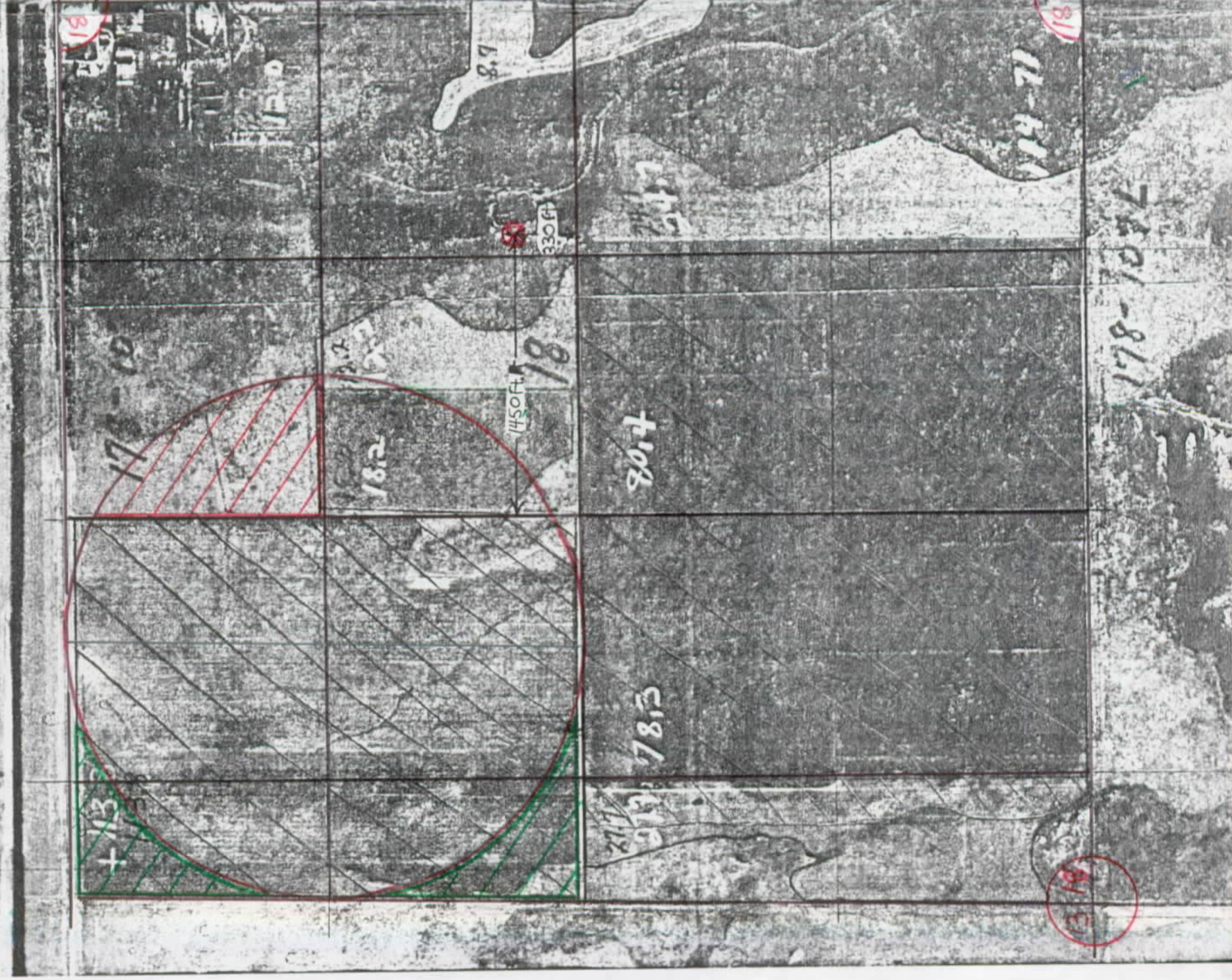


Ron Duvall
Natural Resources Engineer
enc.

Acreeage to be added

added
NOT TO SCALE

NOT TO SCALE



Appl. No. 5164-3

Oct. 7, 1987

Ron Duvall
Dept. of Natural Resources
Pierre, S.D. 57501

Ron:

Inclosed are the forms necessary for the acreage change on my water permit. I looked at your project map and agree with the way you have it drawn out.

Also some comments on the soil and water permit. 1st the letter I'm sending along is all I can find. Please note this sample was taken late fall which would seem to me to be about the worst time to take a sample after a summer of evaporation. I would think any other sample ought to be better. Also I had another sample taken about June 1972???, perhaps at the water lab in Brookings that also tested good, but I must not have kept the results. The lake is dry now so it's impossible to take a sample.

On the soils map I question the line of the 17A Class being west as far as it is on the drawing. The pivot would hit it according to Walt's drawing, but if you look

at the aerial map it would just hit the edge and according to my measurement it wouldn't hit it at all. This was a concern of mine, before I started on this project, to stay out of that bottom. I think you can see an obvious line on the aerial map where this soil starts.

These comments perhaps should be directed to Jim Stukel. If so please pass this letter on to him. I would like to hear as soon as a decision is made on the soil-water section of this application.

Thank you in advance,

Jim

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4221

WR#

1309A-3

OWNERS NAME: James Faulstich

OWNERS ADDRESS: Rt 1, Box 40
Higmore, SD 57345

COUNTY LAND LOCATED IN: Hyde PHONE: _____

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION 330' N & 1450' E from Center Sec 18-T114-R71 (SE 1/4 NE 1/4)

Depth: Lake Mitchell

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 NE 1/4 18-T114N-R71W</u>	<u>15</u>		

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

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: Lake Mitchell

7. ADJUSTED (SAR): 2.38

5. SALINITY (EC X 10⁶): 500-1650

8. PERCENT SODIUM: 10.0 - 14.62

6. SODIUM (SAR): 0.95

Requirements:

The area mapped as 17A found on the eastern edge of the area is poorly suited for irrigation, this area should not be irrigated and maintained in grass and/or alfalfa. The use of an automatic shut off on the end gun and proper positioning of the pivot should eliminate this area.

We recommend the use of a form of conservation tillage to reduce erosion and increase the moisture holding ability of the soil.

We also recommend the use of crop rotations, rather than a continuous corn crop, and the drainageway and lower area found under the old water right be placed in grass and/or alfalfa.

John M. Gephart

Director, Division of Conservation

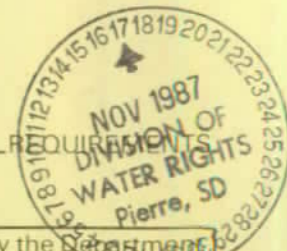
11-12-87

Date

☒ APPROVED
☐ DISAPPROVED
☐ WAIVER

☒ REQUIREMENTS
DIVISION OF
WATER RIGHTS
Pierre, SD

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



Report on the Application No. 5164-3
James E. Faulstich
January 6, 1988

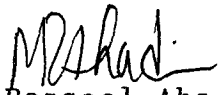
Background

Application No. 5164-3 proposes to change the location of 15 acres of irrigated land authorized under Water Right No. 1309A-3, from the NW1/4 NW1/4 and SW1/4 NW1/4 Section 18 to the NW1/4 NE1/4 Section 18, T114N-R71W, in Hyde County. The application does not request any additional acreage or water.

Water Right No. 1309A-3 authorizes irrigation of 508.5 acres with a diversion rate of 3.88 cfs from Lake Mitchell. The diversion point is located in the SE1/4 NE1/4 Section 18, T114N-R71W. Mr. Faulstich is the only water right holder on Lake Mitchell.

Conclusions

1. James Faulstich is the only water right holder on Lake Mitchell.
2. The application does not increase the acreage or water authorized by Water Right No. 1309A-3.
3. Approval of Water Permit Application No. 5164-3 is recommended with the irrigation questionnaire qualification. Upon licensing the water permit, applicable portions of 1309A-3 should be incorporated into this permit.



Rassool Ahadi
Natural Resources Engineer

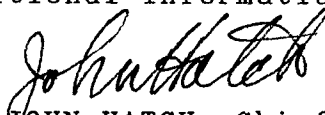
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5164-3, James E. Faulstich

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. 5164-3, James E Faulstich, Rt 1, Box 40, Highmore SD.

The Chief Engineer is recommending APPROVAL of Application No. 5164-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

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
January 8, 1988

No. 5164-3

Instruction to Newspaper - Publish first publication of the following Notice on or before January 27, 1988 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5164-3 to ~~Appropriate Water~~
and/or to Amend Water Permit or Water Right No. _____
change the location of Irrigated Acreage

Notice is hereby given that James E. Faulstich whose mailing address is Route 1, Box 40, Highmore, South Dakota has made an application for a permit to change the location of irrigated acreage. Water Right No. 1309A-3 authorizes irrigation of 508.5 acres in Section 17 and 18-T114N-R71W from Lake Mitchell. This application is to change the location of 15 irrigated acres authorized by No. 1309A-3 from the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (7 acres) NE $\frac{1}{4}$ NW $\frac{1}{4}$ (1/2 acre) SW $\frac{1}{4}$ NW $\frac{1}{4}$ (7 acres) SE $\frac{1}{4}$ NW $\frac{1}{4}$ (1/2 acre) to the NW $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 18-T114N-R71W. The diversion point from Lake Mitchell is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18-T114N-R71W. This application does not authorize any increase in total acres irrigated or water appropriated from Lake Mitchell.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5164-3 because 1) ~~unappropriated water is available,~~ 2) will be no unlawful impairment of existing rights, 2) is beneficial use of water and 3) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 2 1988 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny 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 February 19, 1988. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons 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; 46-2A-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; ~~(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 February 19, 1988.

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hyde) ss.

I, Irwin D. Hayes hereby

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

Water was taken from the Highmore Herald

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 Highmore

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

January 28, 1988

February 4, 1988

Irwin D. Hayes
(Signature)

Publisher

(Title)

2-4-88

(Date Signed)



Cost of Printing: \$42.27

NOTICE OF HEARING
ON APPLICATION NO. 5164-3
TO CHANGE THE LOCATION OF
IRRIGATED ACREAGE

Notice is hereby given that James E. Faulstich whose mailing address is Route 1, Box 40, Highmore, South Dakota, has made an application for a permit to change the location of irrigated acreage. Water Right No. 1309A-3 authorizes irrigation of 508.5 acres in Section 17 and 18-T114N-R71W from Lake Mitchell. This application is to change the location of 15 irrigated acres authorized by No. 1309A-3 from the NW 1/4 NW 1/4 (7 acres), NE 1/4 NW 1/4 (1/2 acre), SW 1/4 NW 1/4 (7 acres), SE 1/4 NW 1/4 (1/2 acre) to the NW 1/4 NE 1/4 all in Section 18-T114N-R71W. The diversion point from Lake Mitchell is located in the SE 1/4 NE 1/4 Section 18-T114N-R71W. This application does not authorize any increase in total acres irrigated or water appropriated from Lake Mitchell.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5164-3 because 1) will be no unlawful impairment of existing rights, 2) is beneficial use of water and 3) is in the public interest.

This application will be considered by the Water Mangement Board at Room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 2, 1988, 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 1) approve, 2) approve with qualifications, 3) defer, or 4) deny 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 February 19, 1988. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons 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 through 46-1-9, 46-1-12 through 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 through 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 through 46-5-11, 46-5-13 through 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; (transfer lands) 46-5-30.4, 46-5-33 through 46-5-35; and Board Rules ARSD 74:02:01:01 through 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, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Building, 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 February 19, 1988.

FPNO 19 LPNO 20



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

APR 28 1988

James E. Faulstich
Route 1, Box 40
Highmore, South Dakota 57345

Dear Mr. Faulstich:

Enclosed herewith is your Water Permit No. 5164-3 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. 5164-3.

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,

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
APPLICATION OF WATER TO BENEFICIAL USE

Date 5-10-88

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: James E. Faulstich RT 1 Box 40 Higmore
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5164-3.

Water Permit No. 5164-3 states that the diversion system is to be constructed by March 3, 1993, and that the water it put to beneficial use by March 3, 1997.

The diversion system was completed on May 7, 1988.
Applying the water to beneficial use was completed on May 7, 1988.

You may schedule an inspection so that the Water License may be issued.

James E. Faulstich
signature

Permit No. 5164-3

Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by James E. Faulstich of Rt. 1, Box 40, Highmore SD 57345 holder of Permit No. 5164-3, bearing the priority of August 1, 1966(see lic. no. 1309A-3) authorizing the diversion of 3.88 cu. ft. per second of the waters of Lake Mitchell for irrigation purposes, in Hyde County.

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

A. Works used to divert the water:

Section 17: Cornell pump with a 1000 General Electric motor, model no. K5324JN1402A, 50 hp.

Section 18: A 180' x 80' dugout with a Berkley pump, model no. 843P8M and Century motor, model no. EM19-310390-04, 60 hp.

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

Pipelines consist of 3600' of 8" aluminum, 2840' of 8" pvc and 1000' of 6" aluminum.

C. Works used to apply water to beneficial use:

Two center pivots, both Valley Water Drive with end guns, 11 towers with overall length of 1280', high pressure nozzles, and 850 gpm capacity.

4 1/4 mile towlines with Rainbird sprinklers spaced at 40'.

The system is in the following condition good, though pivot (b) showed some rust. The point of diversion is located Lake Mitchell: 1390' E and 1090' N from the SW corner of sec. 17 and 1450' E and 330' N from the center of sec. 18, all in T114N, R71W. The works are capable of diverting and conveying to the place of use 3.88 (see Lic. No. 1309 a-3) 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 T114N, R71W

Section 17 NW1/4 NW1/4 33.5 acres Section 18 NW1/4 NW1/4 13.1 acres

NE1/4 NW1/4 33.5 acres NE1/4 NW1/4 38 acres

<u>SW1/4 NW1/4 33.5 acres</u>	<u>SW1/4 NW1/4 13.1 acres</u>
<u>SE1/4 NW1/4 33.5 acres</u>	<u>SE1/4 NW1/4 38 acres</u>
<u>NW1/4 SW1/4 31.1 acres</u>	<u>NW1/4 SW1/4 8 acres</u>
<u>NE1/4 SW1/4 32 acres</u>	<u>NE1/4 SW1/4 40 acres</u>
<u>Section 18 SW1/4 NE1/4 15 acres</u>	<u>SW1/4 SW1/4 7.1 acres</u>
<u>NW1/4 NE1/4 15 acres</u>	<u>NW1/4 SE1/4 40 acres</u>
<u>SE1/4 SW1/4 40 acres</u>	
<u>SW1/4 SE1/4 40 acres</u>	
<u>NE1/4 SE1/4 2 acres</u>	
<u>SE1/4 SE1/4 2 acres</u>	

comprising a total of 508.4 acres of land and the license should be issued for 3.88 (see 1309A-3) cfs.

Application permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: none Date 5-13-92

Permit no. 5164-3 is to transfer 15 acres from Licence No. 1309A-3 to the NW1/4 NE1/4 Section 18-T114N-R71W. The acreage to be deleted from Lic. No. 1309A-3 is in the NW1/4 NW1/4 (7 ac.), NE1/4 NW1/4 (0.5 ac.), SW1/4 NW1/4 (7 ac.) and SE1/4 NW1/4 (0.5 ac.) Section 18-T114N-R71W.



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

model no. 843P8M model no. EM19-310390-04
60 hp

diversion pt. sec. 17

Cornell pump General Electric motor
Cast no. 5W-2-18 model no. K5324JN1402A
50 hp

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)

REPORT ON INSPECTION OF PERMIT NUMBER 5164-3

DATE 5-13-92

Other permit(s) associated with the project 1309-3, 1309A-3 and 1934-3

1309-3 and 1934-3 are incorporated into Lic No. 1309A-3. 5164-3 is for transfer of 15 acres from Lic. No. 1309A-3 located in the NW 1/4 sec. 18 to the NW 1/4 NE1/4 sec. 18, T114N, R71W.

DIVERSION POINT LEGAL LOCATION: One diversion in the SE 1/4 SW 1/4 Section 17 and one diversion in the SE 1/4 SE 1/4 Section 18, all in T114N, R71W.

DISTRIBUTION LINES OR CANALS: 20' x 3' deep canal, approximately 3/4 mile long, located in Sections 17, 18, 19 provides access flows from Lake Mitchell to pumpsite.

a) type <u>Aluminum</u>	b) size <u>8</u> inches	c) length <u>3600</u> feet
<u>PVC</u>	<u>8</u>	<u>2840</u>
<u>Aluminum</u>	<u>6</u>	<u>1000</u>

SYSTEM TYPE:

a) Center pivot:

- 1) make Valley Water Drive
- 2) overall length 1280 feet
- 4) distance between towers 11 feet
- 5) end gun Y (Y/N)
- 6) high or low pressure high
- 7) capacity 850 GPM

b) Center pivot:

- 1) make Valley Water Drive
- 2) overall length 1280 feet
- 4) distance between towers 11 feet
- 5) end gun Y (Y/N)
- 6) high or low pressure high
- 7) capacity 850 GPM

DUGOUT INFORMATION: 180' X 80' dugout in SE1/4 NE1/4 Section 18

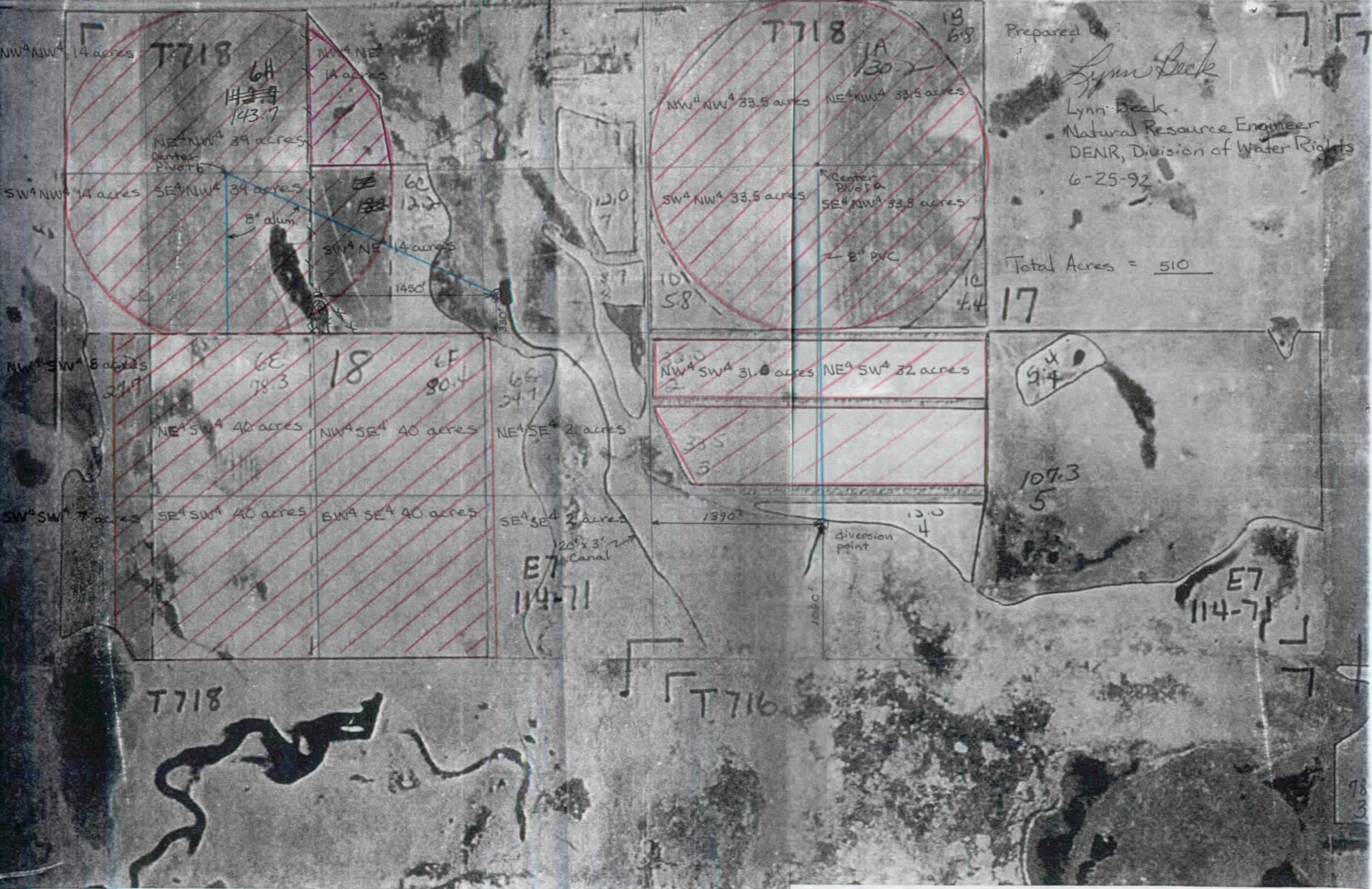
Berkley pump Century motor

/// - Lands covered under Lic. No. 1309A-3

/// - Lands covered under Permit No. 5164-3

NOT TO SCALE

TO SCALE



Prepared by:

Lynn Beck

Lynn Beck
Natural Resource Engineer
DENR, Division of Water Rights
6-25-92

Total Acres = 510



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 5, 1993

5164-3

James Faulstich
RR 1, Box 40
Highmore, SD 57345

Dear Faulstich:

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. 5164-3, 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.

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 Division
(605) 773-3352

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

RECEIPT

413853

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 12, 19 93

RECEIVED OF Carol D. Faulstich, HC 1 Box 40, Highmore, SD 57345

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>5164-3</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 H. Haldeman

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5164-3

(1) James E Faulstich of HC 1 Box 40, Highmore, SD 57345 made Application No. 5164-3, October 13, 1987 for a water permit to relocate 15 acres authorized by Water Right No. 1309A-3 from portions of the NW¼ of Section 18 to the NW¼NE¼ Section 18, T114N, R71W. Water Permit No. 5164-3 did not authorize an increase in the diversion rate from Lake Mitchell specified in Water Right No. 1309A-3. The diversion point and acres irrigated are located in Hyde County, South Dakota Permit No. 5164-3, with a priority date of August 1, 1966 was approved March 3, 1988 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 3, 1993 and for the application to beneficial use of said water on or before March 3, 1997. The permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on May 13, 1988. The "Notice" stated the diversion system was completed and water placed to beneficial use on May 7, 1988.

The applicable portions of Water Right No. 1309A-3 are incorporated into this Water License No. 5164-3. The land described below in the W½ Section 18, T114N, R71W carries a priority date of March 30, 1972 (established by Permit No. 1934-3). The remaining land carries a priority date of August 1, 1966 (established under Water Right No. 1309-3, Permit Nos. 1309A-3 and 5164-3).

(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 3.88 cubic feet of water per second for beneficial use. The location of the diversion points are Lake Mitchell: 1390'E and 1090' N of the SW corner of Section 17 and 1450'E and 300'N of the center of Section 18, both in T114N, R71W.

(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 T114N, R71W

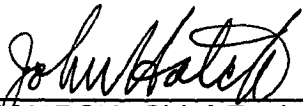
PRIORITY DATE: AUGUST 1, 1966	PRIORITY DATE: MARCH 30, 1972
<u>Section 17</u>	<u>Section 18</u>
NW¼ NW¼ 33.5 acres	NW¼ NW¼ 13.1 acres
NE¼ NW¼ 33.5 acres	NE¼ NW¼ 38.0 acres
SW¼ NW¼ 33.5 acres	SW¼ NW¼ 13.1 acres
SE¼ NW¼ 33.5 acres	SE¼ NW¼ 38.0 acres
NW¼ SW¼ 31.1 acres	
NE¼ SW¼ 32.0 acres	NW¼ SW¼ 8.0 acres
<u>Section 18</u>	NE¼ SW¼ 40.0 acres
SW¼ NE¼ 15.0 acres	SW¼ SW¼ 7.1 acres
NW¼ NE¼ 15.0 acres	SE¼ SW¼ 40.0 acres
SW¼ SE¼ 40.0 acres	
NE¼ SE¼ 2.0 acres	
SE¼ SE¼ 2.0 acres	
NW¼ SE¼ 40.0 acres	
	TOTAL ACRES: 508.4

PAGE 2

WATER LICENSE NO. 5164-3

JAMES E FAULSTICH

(4) Pursuant to South Dakota Water Law 46-5-30.1 James E Faulstich of HC 1 Box 40, Highmore, SD 57345 the holder and/or owner of Incorporated Water Permit No. 5164-3 is issued a license to appropriate water, the right to use 3.88 cubic feet of water per second from Lake Mitchell with priority dates of August 1, 1966 and March 30, 1972 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. 5164-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer

Water Rights Division

Department of Environment and Natural Resources

MAR 14 1994

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 14 1994

5164-3

James E. Faulstich
HC 1, Box 40
Highmore, SD 57345

Dear Mr. Faulstich:

Enclosed is Water License No. 5164-3 and Receipt No. 413853 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 5164-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

gm
enclosures



5164-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

January 22, 1999

NOTICE

TO: JAMES E FAULSTICH, 33795 186TH ST, HIGHMORE, SD 57345

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5164-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 5164-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5164-3 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 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

JAMES E FAULSTICH
33795 186TH ST
HIGHMORE SD 57345

4a. Article Number

2 119 141 555

4b. Service Type

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

7. Date of Delivery

1-25-99

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X Carol Faulstich

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1999

5164-3

James E Faulstich
33795 186th St
Highmore, SD 57345

Dear Mr. Faulstich:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 5164-3.

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

If you have any questions, please contact me.

Sincerely,

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



5164-3
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 24, 2012

NOTICE

TO: JAMES E FAULSTICH, 33795 186TH ST, HIGHMORE, SD 57345

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5164-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 5164-3 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 7, 2012** 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) 5164-3 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 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2012

5164-3

James E Faulstich
33795 186th St
Highmore SD 57345

Dear Mr. Faulstich:

I am writing to acknowledge receipt of your 2011 irrigation questionnaire.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 5164-3. 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