

Considered: _____

WATER PERMIT NO. 5182-3

HAP No. same 266-2525

Name of Applicant Bixler Farms

Post Office Address RR1, Box 39, Hitchcock SD 57348

Amount of Water Claimed 0.1 cfs Total Acres 7

Source of Water Supply ground water 1 existing well

Water to be used for irrigation County Spink

About 3 miles E of Hitchcock.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received Nov. 4, 1987 Fee \$50⁰⁰ Remarks appl is to

3/15/88 add 7 acres and relocate 13 acres authorized by Permit No. 2869-3

Corrected Application Received Jan 13, 1988 Period of Annual Use Mar 1 - Nov 30

WATER QUALITY APPROVAL RECEIVED March 15, 1988 APPROVED/CONDITIONAL (Circle one)

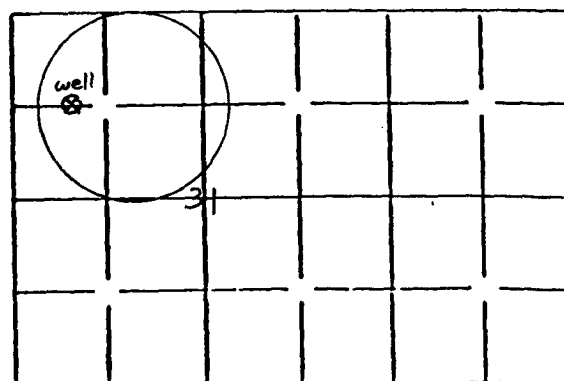
WI-1 Description same as Application YES NO REMARKS _____

Diversion Point NW¹/₄ NW¹/₄ section 31 - T114N -

R62W

Land to be Irrigated NW¹/₄, W¹/₂ NE¹/₄ section 31

-T114N - R62W



Well Log: Driller Huron Drilling Licensed YES NO

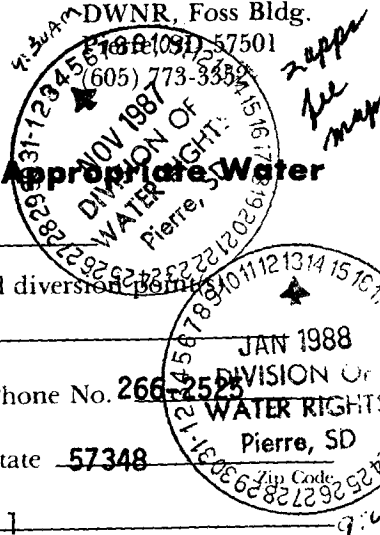
Depth of Well 73 feet REMARKS _____

Type of Map aerial photo PREPARED BY Jim Wendte Reviewed and the Number

assigned on March 11, 1988 By Ron Duvall

(See instructions)

No. 5182-3 Hydrologic Unit 10160006
Basin James River
Newspaper Redfield Press, Box 440 (Wed)
Huron Daily Plainsman, Box 1278



Application For Soil/Water Compatibility Permit and Permit To Appropriately 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 _____
1. Name of Applicant Bixler Farms Phone No. 266-2525
Post Office Address RR 1, Box 39 Hitchcock, South Dakota State 57348
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s.) 0.1 Total acres irrigated 7 add'l _____
3. Source of Water supply groundwater (one existing well)
4. Location of point of diversion NW $\frac{1}{4}$ Section 31, T114N, R62W; a point 1320's and 980'E of the NW Corner of Section 31
_____ County Spink
5. Counties where water will be used Spink
6. Annual period during which water is to be used March 1 to November 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.
<u>NW$\frac{1}{4}$ Section 31-T114-R62</u>	<u>28</u>
<u>NE$\frac{1}{4}$ Section 31-T114-R62</u>	<u>38</u>
<u>SE$\frac{1}{4}$ Section 31-T114-R62</u>	<u>38</u>
<u>SW$\frac{1}{4}$ Section 31-T114-R62</u>	<u>27</u>

Land Description	No. Acres Irr.
<u>NW$\frac{1}{4}$ Section 31-T114-R62</u>	<u>6</u>
<u>SW$\frac{1}{4}$ Section 31-T114-R62</u>	<u>6</u>

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ (Specify) _____
9. Crops to be Irrigated: Corn
10. Give a description of proposed project. (Attach sheet if more space is needed)
This application will change the description of irrigation developed under Water License No. 2869-3. The application will add 7 acres and move 13 acres from the NW $\frac{1}{4}$ to the E $\frac{1}{4}$ and the W $\frac{1}{2}$ NE $\frac{1}{4}$. Water Right No. 2869-3 authorizes irrigation of 136 acres in the NW $\frac{1}{4}$. The pivot irrigates approximately 143 acres (7 add'l) in the NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$; all in Section 31.

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 Spink) ss

I, Bixler Farms, 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.

Bixler Farms by Reed Bixler
Signed _____

Don H. Bradley
Notary Public
My commission expires
Jan. 14, 1988

Subscribed and sworn to before me this 16 th day of December 1987
Donald Bradley
Notary Public

**SOUTH DAKOTA
WATER PERMIT FOR IRRIGATION**

Date of first receipt of application November 4, 1987

Date Soil/Water Compatibility Permit received March 15, 1988

Date of return to applicant for correction, amendments or changes required December 9, 1987

Date of receipt of corrected application January 13, 1988

The Water Management Board approved Water Permit Application No. 5182-3

on May 11, 1988 for Bixler Farms
(Applicant)

RR 1, Box 39 Hitchcock SD 57348
(Street, RR or Box) (City) (State) (Zip Code)

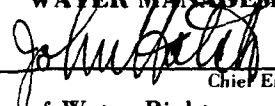
authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5182-3 changes the location of 13 irrigated acres from the W $\frac{1}{2}$ NW $\frac{1}{4}$ to the E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ plus add 7 acres along the perimeter of the pivot located in the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$; all in section 31-T114N-R62W. Permit No. 5182-3 appropriates 0.10 cubic feet of water per second from the existing well (Tulare-Hitchcock) 73 feet deep authorized by Water Right No. 2869-3 to irrigate the 7 additional acres.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: Mar 1 - Nov 30
3. The date from which applicant may claim the right is March 15, 1988
4. ~~One-fifth of the construction is to be completed on or before~~
5. All construction is ~~to be completed on or before~~
6. Water is ~~to be put to beneficial use on or before~~
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

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.

WATER MANAGEMENT BOARD

By: 
Chief Engineer

NOV 30 1988

Division of Water Rights
Dept. of Water and Natural Resources

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth 73 feet
- b) Casing Type steel Diameter 16 inch Thickness _____
Johnson
- c) Screen Type stainless steel Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
 On applicants property 320 rods On property owned by others 240 rods

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

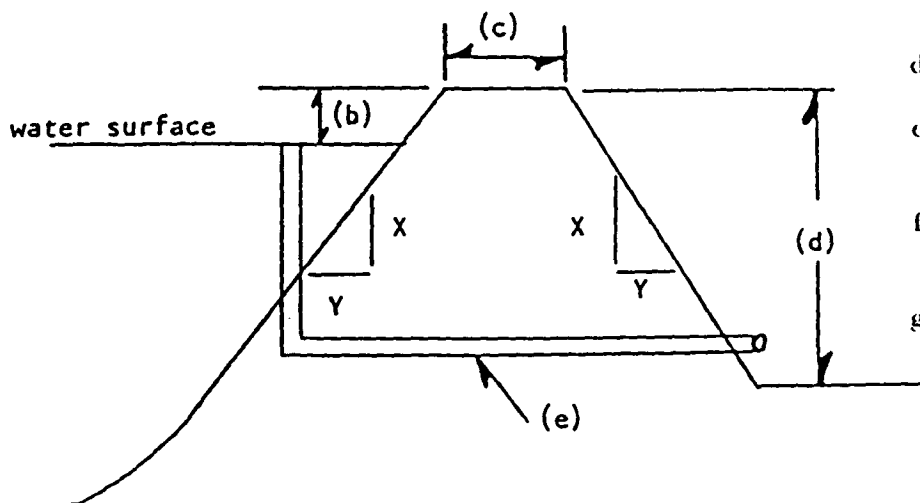
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

HURON RILLING INC. DRILLERS LOG

PAGE NO. 1

Kenneth R. Gilbert
DO NAME

S.W. 31-114-62
LOCATION

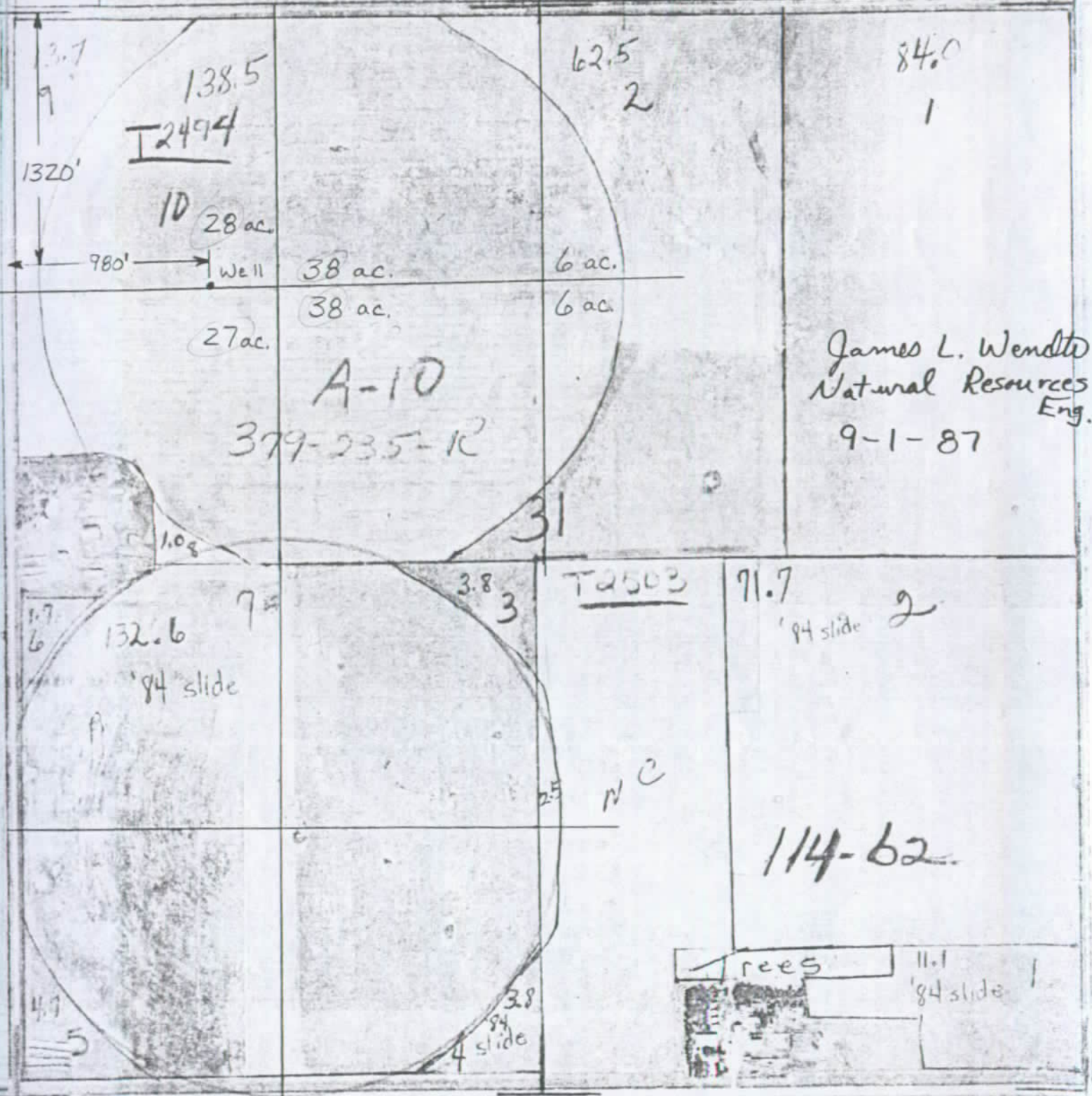
7/16/76
DATE

18
RIG NO

Bernard Schlader
FOREMAN

Dr No	DEPTH	TIME	LOCATION	DATE	RIG NO	FOREMAN
			REMARKS	DESCRIPTION		
			Hole #1			
1	0-10	6:00	Top Soil, Yellow-Brown Clay & Fine Brown Sand			
2	10-20	6:30	Fine Brown-Black Sand 10-25			
3	20-30	8:30	Coal & Fine Gray Sand @26			
4	30-40	8:45	Coal & Fine Gray Sand, Good Water Loss & Coarser Sand Streak		.#1	
5	40-50	9:00	Coal & Fine Gray Sand, Good Water Loss			
6	50-60	9:15	Good Medium Gray Sand, Good Water Loss			
7	60-70	9:35	Good Medium Gray Sand, Some Small Rock			
8	70-73	TD				

NOT TO SCALE



Appl. No. 5182-3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411037

Pierre, November 4, 19 87

RECEIVED OF Bixler Farms, RR 1, Box 39, Hitchcock, SD 57348

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	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

JOHN HATCH

(TIS)



Department of Water & Natural Resources

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

September 2, 1987

Bixler Farms
Mr. Trevor Bixler
RR 1 Box 39
Hitchcock, SD 57348

Dear Mr. Bixler:

On Aug. 24, 1987, I talked with you about your irrigation development in Sec. 31, T114N, R62W. At the time, you mentioned that the center pivot in the NW1/4 extended into the NE1/4. I decided to check the aerial photo to determine how many acres were affected. There are 12 acres in the NE1/4 which are irrigated from the well and center pivot in the NW1/4.

A new application is required to correctly describe the development in Sec. 31. We also discussed Water Permit Application No. 4690-3 submitted by Mr. Kenneth Gilbert in 1980. Application No. 4690-3 does not describe the well in the NW1/4 which currently supplies the water being used to irrigate the 12 acres in the NE1/4. Therefore, Application No. 4690-3 will be recommended for cancellation as we discussed and the new application must be submitted. The new application describes the well being used and correct description of irrigated acres in the NW1/4 and NE1/4 of Sec. 31. There is a \$50.00 fee for this application.

Soil/water compatibility approval must also be obtained for the 12 acres in the NE1/4 which is being irrigated from the well in the NW1/4. The water sample should be sent to Brookings and the soils information returned to our office along with the application and fee. We have all other information needed to process the application.

I have partially completed the application for you. Please review the application, make any additions or corrections, sign it, and return it along with the other items mentioned above. We can then continue with the process of making your Water License accurate. If you have any questions, please contact our office.

Sincerely,

James L. Wendte

James L. Wendte
Natural Resources Engineer
(605) 773-3352

enc

WATER RIGHTS DIVISION
(605) 773-3352

December 9, 1987

Reed Bixler
Bixler Farms
Rural Route 1, Box 39
Hitchcock, South Dakota 57348

Dear Mr. Bixler:

This letter is in response to the water permit application received on November 4, 1987 by the Division of Water Rights. The application forms need to be signed in the presence of a notary public to be valid. Enclosed are the application forms which you submitted. Please have the forms notarized and return to the Division of Water Rights. Processing of the application will begin upon receipt of the completed application forms.

Please contact us if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

CONSERVATION COMMISSION MEETING

DATE: March 10, 1988

Page 1 - APPROVED with Requirements

NAME: Reed Bixler
Bixler Farms

Water Quality: 87-1358

ADDRESS: RR 1, Box 39

SALINITY: 1550

ADDRESS: Hitchcock, SD 57348

SAR: 1.77

SODIUM: 24.74

COUNTY: Spink

ADJ SAR: 4.84

LEGAL DESCRIPTION: NW1/4 31-114-62 = 131 acres & W1/2 NE1/4 31-114-62
= 12 acres

APPLICATION #: 4241

TYPE OF IRRIGATION: Center Pivot

WATER SOURCE: Ground

REQUIREMENTS:

The area found in the NE1/4 NW1/4 is a low area subject to excess wetness and ponding. There also appears that it may be part of a drainage going to the southeast. This area shall be maintained in permanent vegetation or drained and the natural drainageway be maintained in grass.

MANAGEMENT RECOMMENDATIONS:

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

We also feel that because of the clay contents of the soil and water quality that under the long term there may be the need to provide additional drainage. i.e. tile drainage, but this will be dependent on your water management.

TYPE OF PERMIT GRANTED AND REASON:

The Approved with Requirements recommendation is based on the total salt load of the water and the clay contents of the soils in the area making the leaching of salts difficult.

Conversation or File Documentation

NAME OF PERSON OR FILE: Bixler FarmsADDRESS: RR1, Box 39, Hitchcock COUNTY SpinkDATE: 3/11/88 TELEPHONE _____RE: Appropriation of water on Appl. No. 5182-3

COMMENTS:

I contacted Greg Bixler to determine if the diversion rate was to be increased 0.1 cfs to irrigate the 7 additional acres.

Mr. Bixler stated that the diversion rate would not be increased and indicated I could remove the 0.1 cfs from the application.

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

NAME: Ron Duval

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4241

WR#

OWNERS NAME: Sixler Farms OWNERS ADDRESS: RR 1, Box 30

Nitchbrook, SD 57343

COUNTY LAND LOCATED IN: Spink PHONE: 260-2525

LEGAL DESCRIPTION:

☐ Well

☐ Surface

1. LOCATION NW 1/4, NE 1/4, 31-T114N-R62W, a point 1320' E and 980' N of the NW corner

Depth of Sec 31-T114N-R62W

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4, NE 1/4, 31-T114N-R62W</u>	<u>26</u>	<u>NW 1/4, NE 1/4, 31-T114N-R62W</u>	<u>6</u>
<u>SW 1/4, NE 1/4, 31-T114N-R62W</u>	<u>30</u>	<u>SW 1/4, NE 1/4, 31-T114N-R62W</u>	<u>6</u>
<u>SE 1/4, NE 1/4, 31-T114N-R62W</u>	<u>33</u>		
<u>SW 1/4, NW 1/4, 31-T114N-R62W</u>	<u>27</u>	<u>TOTAL ACREAGE = 143</u>	

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

3. CROPS TO BE IRRIGATED: Corn

WATER QUALITY:

4. WATER SAMPLE NUMBER: 87-1350

7. ADJUSTED (SAR): 4.84

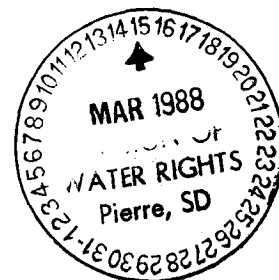
5. SALINITY (EC X 10⁶): 1550

8. PERCENT SODIUM 24.74

6. SODIUM (SAR): 1.77

Requirements:

The area found in the NW 1/4, NE 1/4 is a low area subject to excess wetness and ponding. There also appears that it may be part of a drainage going to the southeast. This area shall be maintained in permanent vegetation or drained and the natural drainageway be maintained in grass.



David M. Galt
Director, Division of Conservation

Date

☒ APPROVED ☐ REQUIREMENTS
☐ DISAPPROVED
☐ WAIVER

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

REPORT ON APPLICATION NO. 5182-3
BIXLER FARMS
March 19, 1988

This application proposes to change the location of 13 irrigated acres from the W 1/2 NW 1/4 to the E 1/2 NW 1/4 and W 1/2 NE 1/4 plus add 7 acres along the perimeter of the pivot located in the NW 1/4, W 1/2 NE 1/4; all in Section 31, T114N, R62W in Spink County. This application also authorizes an additional appropriation of 0.10 cfs from an existing well 73 feet deep authorized by Water Right No. 2869-3 to irrigate the 7 additional acres.

Aquifer Tulare-Hitchcock (T-H)

The Tulare Hitchcock (T-H) is a Pliestocene glacial (sand and gravel) aquifer which is under water table conditions in this area. The T-H underlies 96,000 acres and contains approximately 360,000 acre-feet of water in storage (Hedges, 1982). The Division of Water Rights monitors 3 observation wells (SP-77I, SP-79N, BD-77A) which are within 3 miles of this diversion point (Water Rights, 1988). Water levels for the T-H aquifer show good response to climatic conditions. Present water levels in this area are the highest ever recorded indicating recharge to the system. Records for BD-77A go back to 1952. The observation well records show little or no fluctuation due to pumping. This is typical of a water table situation. The cone of influence or drawdowns do not extend laterally for any great distance from the production well.

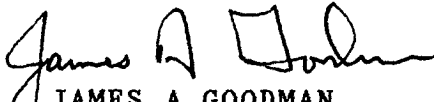
Review of Existing Water Rights

There are 2 existing permits with points of diversion approximately 1 mile from this application. These are Permit Nos. 3307-3 and 1512-3 which also obtain water from the T-H Aquifer. Permits 3307-3 and 1512-3 are licensed and developed. Interference between wells has not been a problem and the small increase in diversion requested by this application will not change that.

Conclusions

1. Water is available from the T-H Aquifer.
2. Recharge to the T-H is more than adequate to sustain the existing withdrawals.
3. Interference between wells is not a problem. Hydrographs for the observation wells in the area indicate drawdowns caused by pumping do not extend very far.

4. This application is the result of a routine inspection made by James Wendte, Division of Water Rights Engineer. The acreage covered by existing Water Right No. 2869-3 did not sufficiently reflect the system as presently developed.


JAMES A GOODMAN
Hydrologist

References

Hedges, L. S., Etal, 1982, Evaluation of Ground Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for U.S. Army Corps of Engineers, DWNR, SDGS, Vermillion SD.

Irrigation Reports, 1988, Irrigation Questionnaires Reports, 1983, 1984, 1985, 1986, DWNR, Division of Water Rights, Joe Foss Building, Pierre SD 57501.

Water Rights Division, 1988, Observation Wells SP-77I, BD-77A, SP-79N, DWNR, Division of Water Rights, Joe Foss Building, Pierre SD 57501.

קצת יותר

[illegible]

NOTE. 50 ARE YOUNG

[illegible]

[illegible]

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5182-3, Bixler Farms

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. 5182-3, Bixler Farms, RR 1, Box 39, Hitchcock SD.

The Chief Engineer is recommending APPROVAL of Application No. 5182-3 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 22, 1988



Department of Water & Natural Resources

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

Water Rights Division
(605) 773-3352

March 24, 1988

NOTE:

TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

Bixler Farms
RR 1, Box 39
Hitchcock, South Dakota 57348

Dear Mr. Bixler:

Your Application No. 5182-3 for a permit to appropriate water for

irrigation use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

Huron Daily Plainsman

printed at Huron, SD

Redfield Press

printed at Redfield, SD

South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this notice prior to publication and notify this office, if you have
any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION
OF YOUR NOTICE OF INTENT TO APPROPRIATE WATER AND TO ARRANGE FOR PAYMENT.
Early contact with the paper can eliminate delays. The publisher has been
instructed to publish your notice once each week for two consecutive weeks
with the last publication to occur at least twenty days before the board
meeting. We must receive Proof of Publication before the application can be
considered by the Water Management Board.

Sincerely,

RON DUVAL
Natural Resources Engineer

enclosures



Department of Water & Natural Resources

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

March 24, 1988

Redfield Press
Box 440
Redfield, South Dakota 57469

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5182-3 to be published twice. Please publish the first notice on or before _____ with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Bixler Farms, RR 1, Box 39, Hitchcock, SD.

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,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE
No. _____

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

Date _____

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

Name _____

Newspaper _____



Department of Water & Natural Resources

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

March 24, 1988

Huron Daily Plainsman
Box 1278
Huron, South Dakota 57350

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5182-3 to be published twice. Please publish the first notice on or before March 30, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Bixler Farms, RR 1, Box 39, Hitchcock, SD.

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,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____

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

Date _____

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

Name

Newspaper

No. 5182-3

Instruction to Newspaper - Publish first publication of the following Notice on or before March 30, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5182-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~
and change the Location of Irrigated Acreage

Notice is hereby given that Bixler Farms whose mailing address is
RR 1, Box 39, Hitchcock, South Dakota has made an application for a permit

to add acreage and change the location of irrigated acreage. Water Right No. 2869-3 authorizes irrigation of 272 acres in the SW $\frac{1}{4}$ and NW $\frac{1}{4}$ Section 31-T114N-R62W from one well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31-T114N-R62W. This application is to change the location of 13 irrigated acres from the W $\frac{1}{2}$ NW $\frac{1}{4}$ to the E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ plus add 7 acres along the perimeter of the pivot located in the NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$; all in Section 31-T114N-R62W. This application also authorizes an additional appropriation of 0.10 cubic feet of water per second from the existing well (Tulare-Hitchcock Aquifer) 73 feet deep authorized by Water Right No. 2869-3 to irrigate the 7 additional acres.

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

APPROVAL of Application No. 5182-3 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 room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD, May 11 19 88 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 April 29, 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 April 29, 1988.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Spink) ss.

I, Roger Matz hereby

certify that the annexed printed copy of Notice

Water was taken from the Redfield

A newspaper which during the whole time of
herein after stated, has been and is printed and

City of I

County of Spink at
that the said notice was published in said n
two dates:

March 30, 1988

April 6, 1988

Roger Matz
(Signature)

Publisher
(Title)

4-8-88
(Date Sign)

No. 89

NOTICE OF HEARING

on Application No. 5182-3 to Appropriate Water and
change the Location of Irrigated Acreage

Notice is hereby given that Bixler Farms whose
mailing address is RR 1, Box 39, Hitchcock, South
Dakota has made an application for a permit to add
acreage and change the location of irrigated acreage.
Water Right No. 2869-3 authorizes irrigation of 272
acres in the SW 1/4 and NW 1/4 Section 31-T114N-
R62W from one well located in the NW 1/4 NW 1/4
Section 31-T114N-R62W. This application is to
change the location of 13 irrigated acres from the W
1/2 NW 1/4 to the E 1/2 NW 1/4 and W 1/2 NE 1/4
plus add 7 acres along the perimeter of the pivot
located in the NW 1/4, W 1/2 NE 1/4; all in Section
31-T114N-R62W. This application also authorizes an
additional appropriation of 0.10 cubic feet of water
per second from the existing well (Tulare-Hitchcock
Aquifer) 73 feet deep authorized by Water Right No.
2869-3 to irrigate the 7 additional acres.

Pursuant to SDCL 46-2A-2 the Chief Engineer of
the Water Rights Division recommends APPROVAL
of Application No. 5182-3 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 room 216, Joe Foss Building,
523 E. Capitol, Pierre, SD, May 11, 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 April 29, 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 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; 46-6-3,
46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; 46-5-
30.4, 46-5-33 thru 46-5-35; 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, further information on
this application or to assure access to the hearing by
the handicapped can contact the Water Rights
Division, DWRN, 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 April 29, 1988.

(March 30, April 6)

Cost of Printing: 45.81

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, Rod Hays
being duly sworn on oath, say that THE DAILY PLAINSMAN is a daily
paper published at Huron, Beadle County, South Dakota, and that said news-
paper has a bona fide circulation of at least 250 copies daily; that said
newspaper has been published within said county for fifty-two consecutive
weeks immediately prior to this date; that said newspaper is printed in
whole or in part, in an office maintained at said place of publication; that I

am publisher

..... of said newspaper
and know the facts herein stated. The annexed notice headed

..... Notice of Hearing on Application No. 5182-3
..... to Appropriate Water and Change to Location
..... of Irrigated Acreage

was published for two successive weeks once each week, the
same day each week, in said newspaper, and not in any supplement of the

said newspaper, the first publication on the 29th day of

..... March 19 88, and the last publication on the 5th

day of April 19 88. That the full amount of the fee
charged for publishing the same, to-wit:

..... eighty-five and 00/100 Dollars inures to the benefit of
the publisher of said newspaper; that no agreement or understanding for the
division thereof has been made with any other person, and that no part
thereof has been agreed to be paid to any person whomsoever.

..... J. Rod Kern

Subscribed and sworn to before me this 6th day of April

19.. 88..

..... James S. Kern

Notary Public, South Dakota

My term expires 12/22/91

F.P. 3-29-88 L.P. 4-5-88

NOTICE OF HEARING ON
APPLICATION NO. 5182-3 TO
APPROPRIATE WATER AND
CHANGE THE LOCATION OF
IRRIGATED ACREAGE

NOTICE IS HEREBY GIVEN
that Bixler Farms whose mail-
ing address is RR1, Box 39
Hitchcock, South Dakota has
made an application for a
permit to add acreage and
change the location of irrigated
acreage. Water Right No. 2869-3
authorizes irrigation of 27
acres in the SW1/4 and NW1/4
Section 31-T114N-R62W from
one well located in the NW1/4
NW1/4 Section 31-T114N-R62W.
This application is to change the
location of 13 irrigated acres
from the W1/2NW1/4 to the
E1/2NW1/4 and W1/2NE1/4 plus
add 7 acres along the perimeter
of the pivot located in the NW1/4
W1/2NE1/4; all in Section 31
T114N-R62W. This application
also authorizes an additional
appropriation of 0.10 cubic feet
of water per second from the
existing well (Tulare-Hitchcock
Aquifer) 73 feet deep authorized
by Water Right No. 2869-3 to
irrigate the 7 additional acres.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water
Rights Division recommends
APPROVAL of Application No.
5182-3 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 con-
sidered by the Water Manage-
ment Board at room 216, Joe
Foss Building, 523 East Capitol,
Pierre, SD, May 11, 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 qualifi-
cation, 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 applic-
ant and the Chief Engineer by
April 29, 1988. The petition may
be informal, but it must include
a statement describing the
petitioners interest in the appli-
cation, the reasons for the
petitioner's opposition to or
support of the application, and
the signature and mailing ad-
dress 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;
46-6-3, 46-6-3.1, 46-6-6.1,
46-6-10, 46-6-13, 46-6-14; 46-5-30.4,
46-5-33 thru 46-5-35; 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 recommen-
dation, 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 pri-
or to the hearing date. The time
of the hearing will be automati-
cally extended for at least
twenty days upon written re-
quest of the applicant or any
person who has filed a petition
to oppose or support the appli-
cation. The request for exten-
sion must be filed with the Chief
Engineer by April 29, 1988.

No. 186 (adv.)

12 1/2" x 2" x 3.40 = \$5.00





Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

NOV 30 1988

Reed Bixler
Bixler Farms
RR 1, Box 39
Hitchcock, South Dakota 57348

Dear Mr. Bixler:

Enclosed is your Water Permit No. 5182-3 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JHMS

enclosure

 **Department of
Water & Natural Resources**

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

February 8, 1989

5182-3

Bixler Farms
RR #1 Box 39
Hitchcock, SD 57348

Dear Sirs:

The inspection of your water use system and the inspection of the extent of the application of water to beneficial use, as developed under your Water Permit No. 5182-3 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, your Water License will be sent to you.

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

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

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



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411641

Pierre, February 16, 19 89

RECEIVED OF Reed Bixler (Bixler Farm) Rt 1, Box 39, Hitchcock, SD 57348
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>51-25533</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch/mra
Chief Engineer

2869-3
Permit No. 5182-3James River Water District
10160006**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Bixler Farms
RR 1, Box 39 of Hitchcock, SD 57348 holder of
 Permit No. 2869-3 5182-3, bearing the priority of August 6 March 15 19 76 88 authorizing
 the diversion of 2.38 cu. ft. per second of the waters of groundwater (1 well)
 for irrigation purposes, in Spink County.

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

A. Works used to divert the water:

73' deep well - 16" Steel Casing & 20' Johnson Stainless Steel Screen
Aurora Vertiline Pump - 8", 12RXL
U.S. Electric Motor - 75 H.P.

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

≈ 3000' of buried 10" Plastic PipeC. Works used to apply water to beneficial use: 2 PivotsBoth Valley Center Pivots7 towersoperated at 85-90 PSIThe system is in the following condition Good

The point of diversion is located NW 1/4 Sec. 31, T114N, R62W
1320' S & 980' E of the NW Corner of Sec. 31.

The works are capable of diverting and conveying to the place of use 1.88cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: Sec. 31, T114N, R62W

<u>NW 1/4 NW 1/4 - 28 acres</u>	<u>NW 1/4 SW 1/4 - 34 acres</u>
<u>SW 1/4 NW 1/4 - 27 acres</u>	<u>SW 1/4 SW 1/4 - 34 "</u>
<u>NE 1/4 NW 1/4 - 38 "</u>	<u>NE 1/4 SW 1/4 - 34 "</u>
<u>SE 1/4 NW 1/4 - 38 "</u>	<u>SE 1/4 SW 1/4 - 34 "</u>
<u>NW 1/4 NE 1/4 - 6 "</u>	<u>SW 1/4 NE 1/4 - 6 "</u>

comprising a total of 279 acres of land and the license should be issued for 1.88 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date Aug. 24, 1987

James L. Wendt
 (signature)

LICENSE FOR PERMIT NUMBER 5182-31. Legal location of wells: NW¹/₄ Sec. 31, T114N, R62W

dams & structures: _____

2. Well Information: Well Drilling Firm Huron DrillingNo. of wells 1 Depth 73'Casing a) diameter 16" Screen a) type Johnson S.S.b) length — b) length 20'c) type Steel Static Water Level —Pump a) make Aurora Vertiline Motor a) make U.S. Electricb) model 12 RXL b) model no. —c) size 8" c) horsepower rating 75d) capacity 850 GPM d) motor efficiency rating —e) turbine pump —no. of stages —

3. Distribution lines:

a) size of lines 10"b) type Plastic buriedc) length ≈ 3000'

4. Dam information:

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

h) Distribution lines or canals:

1) size —2) type —3) length —

i) Outlet tubes:

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

5. System Type: a) sideroll:

1) length — feet2) diameter of pipe —3) make, model & number of sprinklers —4) spacing of sprinklers —5) nozzle size —

b) towline:

1) length — feet2) make, model & number of sprinklers —3) spacing of sprinklers —4) nozzle size —

5. System Type: c) center pivot

- 1) make North Valley
2) number of towers 7
3) distance between towers _____
4) overall length _____
5) End gun (Y/N) _____
6) high or low pressure _____
7) make & size of nozzles _____
8) PSI reading while system is running 85-90
9) GPM 850 (one at a time)

g) Gun

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

d) Gate Pipe

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

e) Siphons

- 1) number _____
2) size _____

f) Portable boom

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

h) Hydromatic

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

YES

NO

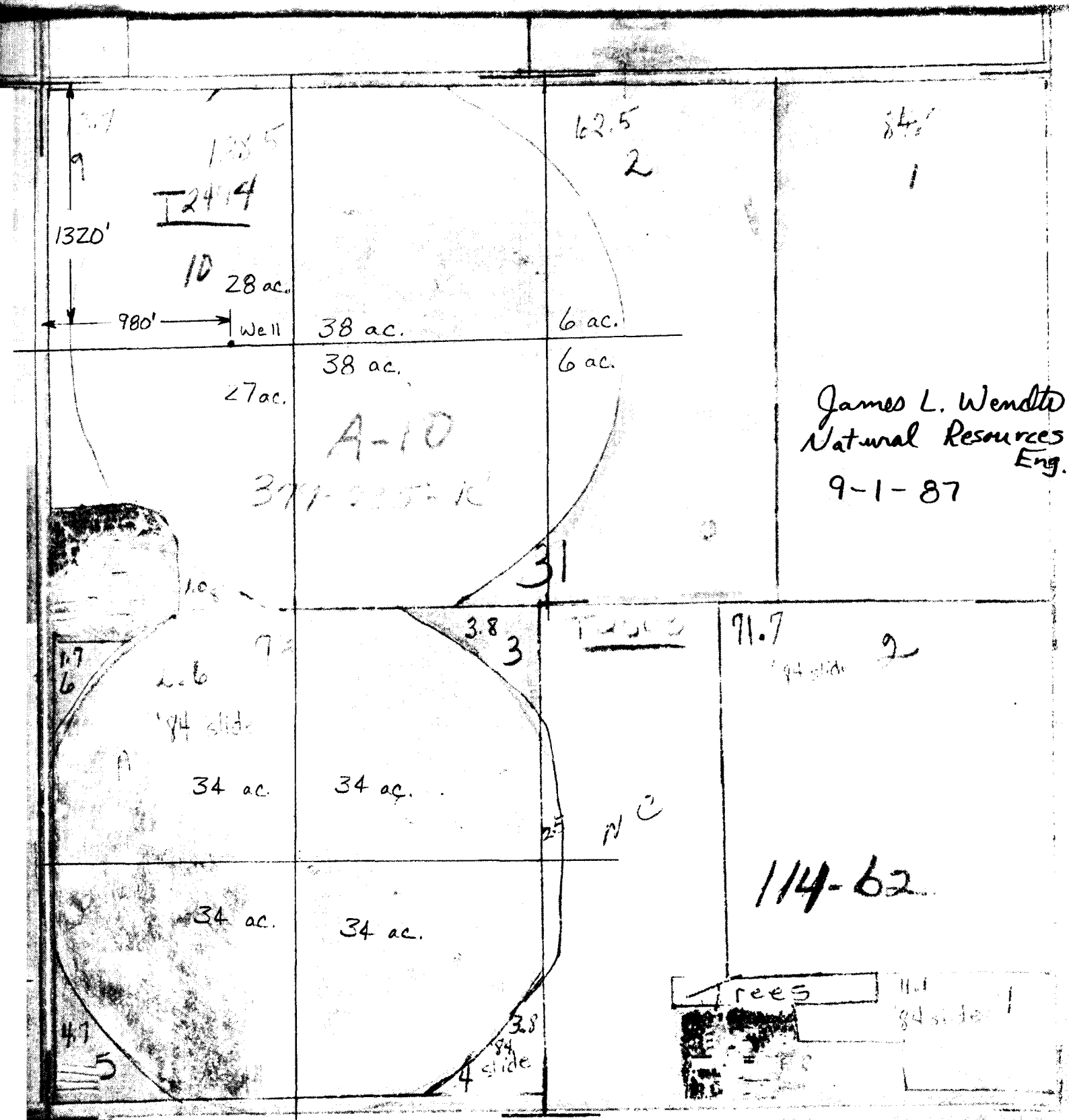
Check Items

☒
☒
☒

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

REMARKS:

NOT TO SCALE



WATER Right No.
5182-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5182-3

(1) Bixler Farms of RR #1, Box 39, Hitchcock, SD 57348 made Application No. 5182-3, November 4, 1987 for a water permit to appropriate 0.10 cubic feet of water per second from groundwater (one existing well), Spink County, South Dakota for irrigation purposes. Permit No. 5182-3 with a priority date of March 15, 1988 was approved May 11, 1988 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5182-3 authorizes a change in acreage and the addition of 7 acres to the pivot developed in the NW1/4 Section 31, T114N, R62W under Water Right No. 2869-3. No. 5182-3 also allows a diversion rate of 0.1 cubic feet of water per second for the additional 7 acres.

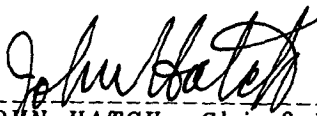
The applicable portions of Water Right No. 2869-3 have been incorporated into this Water License No. 5182-3. A priority date of March 15, 1988 is retained for 0.10 cfs (No. 5182-3) and a priority date of August 6, 1976 is retained for 1.78 cfs (No. 2869-3).

(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 1.88 cubic feet of water per second for beneficial use. The location of the diversion point is: 1320' S and 980' E of the NW corner of Section 31, T114N, R62W.

(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 in T114N, R62W:

Section 31	NW1/4 NW1/4	28 acres
	SW1/4 NW1/4	27 acres
	NE1/4 NW1/4	38 acres
	SE1/4 NW1/4	38 acres
	NW1/4 NE1/4	6 acres
	SW1/4 NE1/4	6 acres
	NW1/4 SW1/4	34 acres
	SW1/4 SW1/4	34 acres
	SE1/4 SW1/4	34 acres
	NE1/4 SW1/4	34 acres
	Total	279 acres

(4) Pursuant to Section 46-5-30.1 Bixler Farms of RR #1, Box 39, Hitchcock, SD 57348 the holder(s) and/or owner(s) of Incorporated No. 5182-3 is issued a license to appropriate water, the right to use 1.88 cubic feet of water per second from groundwater (one well) with priority dates of 0.1 cfs from March 15, 1988 and 1.78 cfs from August 6, 1976 from the location specified in (2) of this license. The water is 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 No. 5182-3 and subject to South Dakota State Law.



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

MAR 22 1989



Department of Water & Natural Resources

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

MAR 22 1989

5182-3

Reed Bixler
Bixler Farms
RR #1 Box 39
Hitchcock, SD 57348

Dear Mr. Bixler:

Enclosed is Water License No. 5182-3. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is Receipt No. 411641 in the amount of \$50.00, which you paid for 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. 5182-3, 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,

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

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 1994

NOTICE

TO: BIXLER FARMS
RR 1 BOX 40
HITCHCOCK, SD 57348

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Failure to Report Chemical Use under Water Permit No(s) 5182-3

The first notice to file chemigation report(s) for Permit No(s) 4591-3; 5182-3; & 3052-3 was dated October 18, 1993. Our records indicate that we have not received the 1993 chemigation report for Permits No(s) 5182-3. The Water Management Board has directed that owners of water permits who have not submitted the 1993 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 8:45 A.M. on April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the 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). 5182-3 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. Prior to April 1, 1994, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to April 1, 1994, you will no longer be in violation and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

**BIXLER FARMS
RR 1 BOX 40
HITCHCOCK, SD 57348**

4a. Article Number

P 837-692-667

4b. Service Type

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

7. Date of Delivery

2/17/94

5. Signature (Addressee)

6. Signature (Agent)

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

PS Form 3811, December 1991 ☆ U.S.G.P.O.: 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 1994

5182-3

Reed Bixler
Bixler Farms
RR #1 Box 40
Hitchcock, SD 57348

Dear Mr. Bixler:

Your 1993 Chemical Use report has been completed and is now on file in our office. The form was completed for you based on your telephone conversation with Ron Duvall. You may disregard the February 16, 1994, **Notice of Failure to Report Chemical Use under Water Permit No. 5182-3.**

The chemigation form was completed and filed 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 Division
(605) 773-3352