

Considered: _____

WATER PERMIT NO. 5183-3

MAP No. same 384-3294

Name of Applicant Joe Holzbauer

Post Office Address RR 1, Box 35, Wagner SD 57380

Amount of Water Claimed 1.14 Total Acres 80

Source of Water Supply ground water 1 well

Water to be used for irrigation County Charles Mix

About 1 1/2 miles N of Wagner.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received November 18, 1987 Fee \$225.00 Remarks _____

3-15-88

Corrected Application Received _____ Period of Annual Use Apr 1 - Oct 31

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

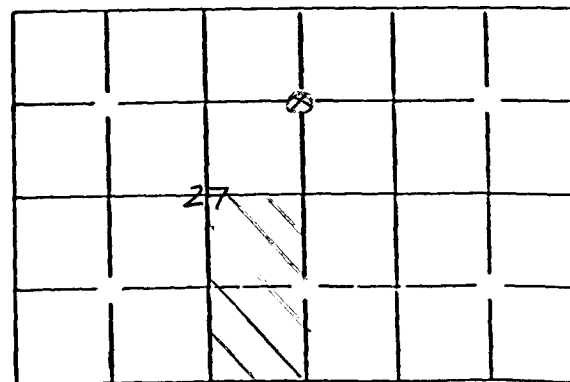
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point well: center of NE 1/4

section 27 - T96N-R63W

Land to be Irrigated W 1/2 SE 1/4 section 27 -

T96N-R63W



Well Log: Driller drilled by owner Licensed YES _____ NO ☒

Depth of Well 200 feet REMARKS _____

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

assigned on March 11, 1988 By Ron Duvall

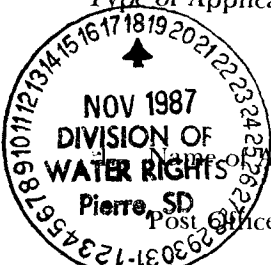
(See instructions)

No. 5183-3 Hydrologic Unit 10170101
 Basin Missouri River
 Newspaper Wagner Post, Box 100 (Tues)

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

Type of Application:

- ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☐ Other see No. 4198-3



- Name of Applicant Joe Holzbauer Phone No. 384-3294
RR 1, Box 35, Wagner SD 57380
 Post Office Address (Street, RR or Box) (City) State Zip Code
 2. Amount of water claimed (c.f.s) 1.14 Total acres irrigated 80
 3. Source of Water supply groundwater 1 well
 4. Location of point of diversion center of NE 1/4 Section 27, T96N, R63W
 _____ County Charles Mix
 5. Counties where water will be used Charles Mix
 6. Annual period during which water is to be used Apr 1 - Oct 31
 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 $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27, T96N, R63W	40
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27, T96N, R63W	40

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: X Center Pivot: _____ Gun: _____ Other: _____
 9. Crops to be Irrigated: corn, Milo, small grain, hay
 10. Give a description of proposed project. (Attach sheet if more space is needed)

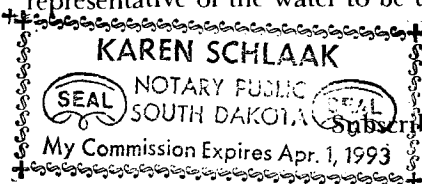
This application proposes to allow irrigation of an additional 80 acres from one existing well authorized by Water Right No. 4198-3

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

STATE OF SOUTH DAKOTA)
 County of Hughes) ss

Joe Holzbauer

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



Signed

Joe Holzbauer
18th day of November 1987
Karen Schlaak
 Notary Public

**SOUTH DAKOTA
WATER PERMIT FOR IRRIGATION**

Date of first receipt of application November 18, 1987

Date Soil/Water Compatibility Permit received March 15, 1988

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

Date of receipt of corrected application _____

The Water Management Board approved Water Permit Application No. 5183-3

on May 11, 1988 for Joe Holzbauer
(Applicant)

RR1, Box 35 Wagner SD 57380
(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. 5183-3 appropriates 1.14 cubic feet of water per second from one well (Choteau - West Aquifer) 200 feet deep authorized by Water Right No. 4198-3 to irrigate 80 additional acres. The well is located near the center of the NE 1/4 and the 80 additional acres are located in the W 1/2 SE 1/4; all in section 27-T96N-R63W.
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: Apr 1 - Oct 31.
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 November 11, 1990.
5. All construction is to be completed on or before May 11, 1993.
6. Water is to be put to beneficial use on or before May 11, 1997.
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 subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: [Signature]
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

NOV 30 1988

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction Well drilled by owner

- a) Drill Hole Diameter 38 in Depth 200 feet
- b) Casing Type plastic Diameter 15 in Thickness _____
- c) Screen Type Johnson slotted plastic Diameter 15 in ~~Thickness~~ length 40 feet
- d) Gravel Pack Thickness 6 in Length of Gravel Pack 200 feet
- e) Depth to Top of Water Bearing Material 157 feet
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property 1200 feet On property owned by others 2000 feet

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 _____

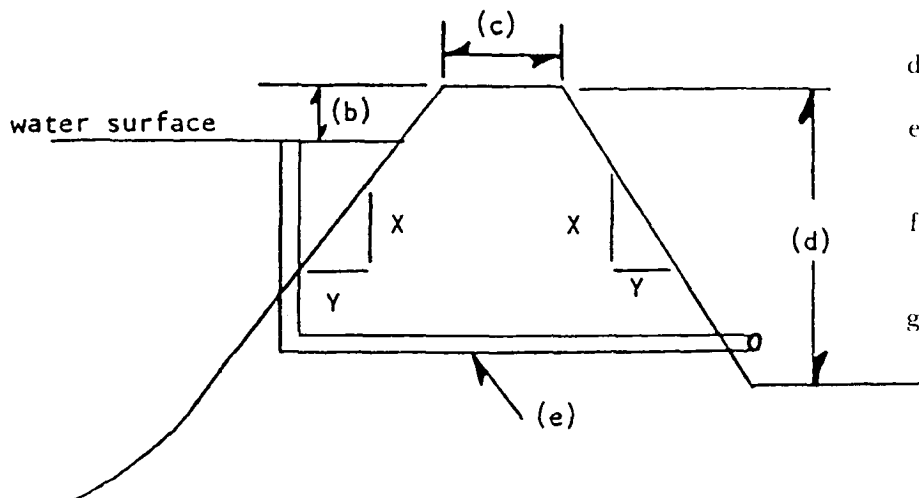
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

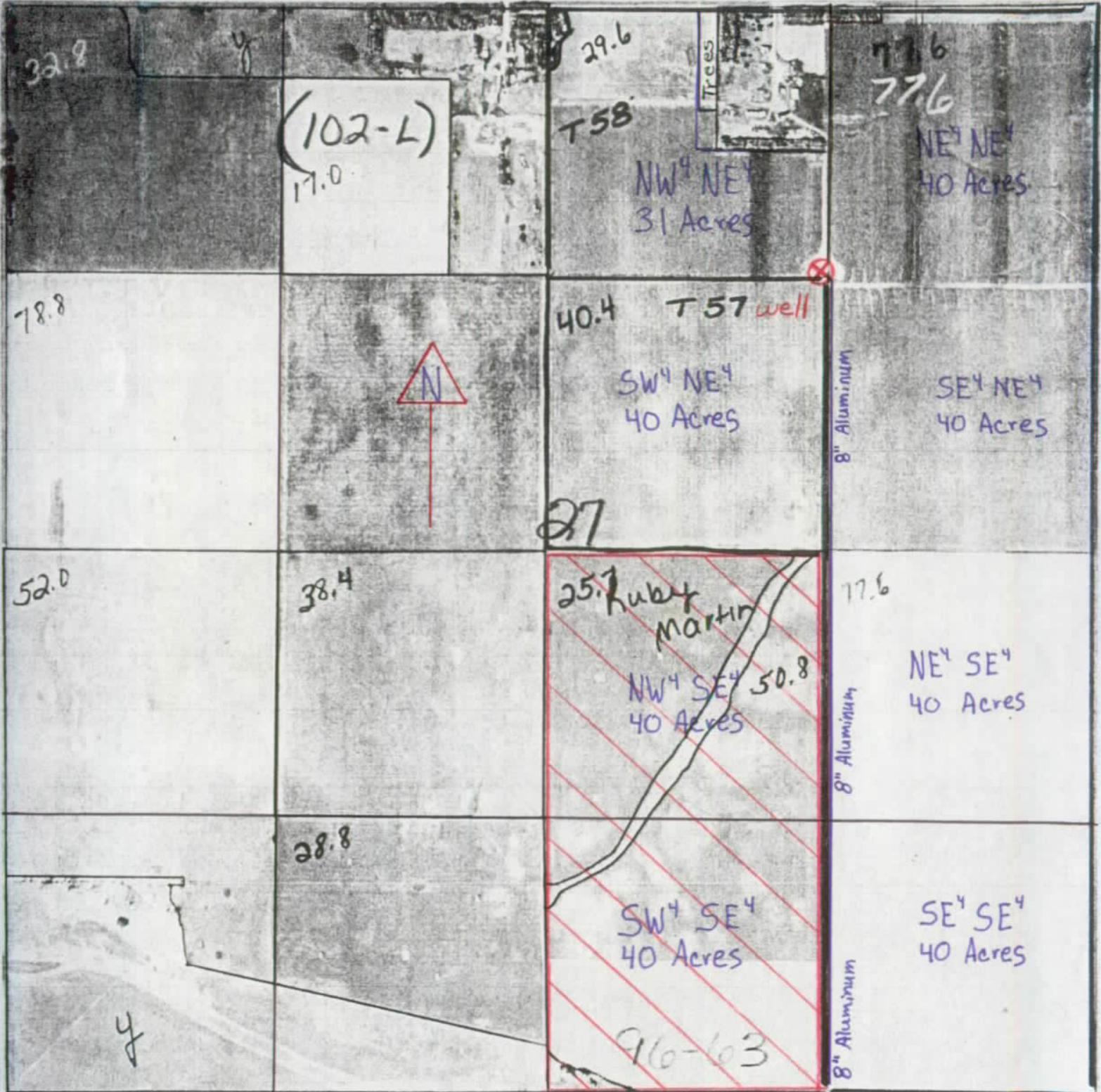
Drainage area above dam _____



Joseph J. McPherson
Signature of Applicant

NOT TO SCALE 1986

96-63



Ron Duvall
Natural Resources Engineer
11/18/87

Joe Holzbaer

Appl. No. 5183-3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411061

Pierre, November 18, 1987

RECEIVED OF Joseph J. Holzbauer, RR 1, Box 35, Wagner, SD 57380

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 _____	225	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	225 00

By John Hatch
Chief Engineer JOHN HATCH (MS)



South Dakota Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building • Pierre, South Dakota 57501

Phone 605/773-3258

February 17, 1988

*Motion to Approve
5 of 9 → carried*

Joseph Holzbauer
RR 1, Box 35
Wagner, SD 57380



Dear Mr. Holzbauer:

In reviewing your soil and water application to irrigate 80 acres in the W1/2 SE1/4 Sec 27-T96N-R63W using water sample #87-0863; the irrigation staff is bound by the rules and regulations for soil and water compatibility.

Therefore, we must recommend the disapproval of your application, based on the water quality not meeting the standards for permitting.

The supplemental investigation of the adjacent irrigated lands of similar mapping units do not reveal the hazards that one might expect over a ten (10) year period. We relate this occurrence to the coarser material at a depth of greater than four (4) feet and the water management of few and high rate of application, 3 inches.

Please be advised that the staff will be recommending the disapproval of your application to the State Conservation Commission at their March 10, 1988, meeting. (See attached Notice of Hearing)

Sincerely,

Jim Stukel
Natural Resource Program Scientist

cf

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

WR#

OWNERS NAME: Joseph Holzbauer OWNERS ADDRESS: RR 1, Box 35

Wagner, SD 57380

COUNTY LAND LOCATED IN: Charles Mix PHONE: 384-3294

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION Center NE1/4 27-T96N-R63W

Depth

Legal Description	Acres	Legal Description	Acres
<u>SW1/4 SW1/4 27-T96N-R63W</u>	<u>40</u>		
<u>SW1/4 SW1/4 27-T96N-R63W</u>	<u>40</u>		



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

3. CROPS TO BE IRRIGATED: Corn, Milo, Small Grain, Hay

WATER QUALITY: <u>Validated</u>	
4. WATER SAMPLE NUMBER: <u>#87-0863</u>	7. ADJUSTED (SAR): <u>14.98</u>
5. SALINITY (EC X 10 ⁶): <u>1600</u>	8. PERCENT SODIUM: <u>58.77</u>
6. SODIUM (SAR): <u>6.07</u>	

Requirements:

A crop rotation shall be established with corn being planted no more than two years in a row. Crops such as small grains and alfalfa are recommended.

Corn shall not be removed for silage and as much crop residue shall remain in the field as possible.

The drainageways shall be maintained in grass to reduce erosion.

RECOMMENDATIONS:

We recommend the application of water be 2" or more to enhance the leaching of salts.

We also recommend that soil monitoring be conducted to establish the need for a soil amendment as well as management changes.

☒ APPROVED ☒ REQUIREMENTS
☐ DISAPPROVED
☐ WAIVER

John W. Lefell
Director, Division of Conservation

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

Date 3-10-87

REPORT ON APPLICATION NO. 5183-3
JOE HOLZBAUER
March 18, 1988

This application proposes to appropriate 1.14 cfs from one well 200 feet deep to irrigate 80 acres. Water Right No. 4198-3 authorizes an appropriation of 2.67 cfs to irrigate 231 acres. This application appropriates additional water from the well authorized by Water Right No. 4198-3 to irrigate the additional acreage. The well is located near the center of the NE 1/4 and the 80 additional acres are located in the W 1/2 SE 1/4; all in Section 27, T96N, R63W of Charles Mix County.

Aquifer - Choteau-West (CH-W)

The Choteau-West (CH-W) consists of buried outwash and western origin stream deposits (Kume, 1977). The CH-W underlies 169,600 acres and contains 1.2 million acre feet of water in storage in Charles Mix County (Hedges, 1982). The aquifer is under artesian conditions and the Division of Water Rights monitors 4 observation wells (CM-72B, CM-72C, CM-80D and CM-68F) in the CH-W which are within 3 miles of this application. A hydrograph for CM-68F which is within 1 mile of this diversion is included with this report (Water Rights Division, 1988). Water levels have fluctuated as much as 31 feet in any given year due to irrigation withdrawals. The general trend of water levels in the aquifer tend to mimic climatic conditions which during dry weather more pumping causes greater drawdowns and visa versa. The 1987 spring water levels are about 3 feet below the highest ever recorded. The amount of recharge to the aquifer has sustained the amount of withdrawals.

Review of Existing Water Permits

There are two existing Permit Nos. 2323-3 and 3700-3 with diversion points within a mile of this application. Pumping records (Irrigation Reports, 1986) indicate both these permits are being used. The diversion points (3 wells) have been in use and although interference is occurring there has not been any adverse effect.

Conclusions

1. Water is available from the CH-W Aquifer.
2. The CH-W is under artesian conditions and drawdowns will occur as a result of pumping, however, any interference will not adversely effect existing water permits.
3. The soil water compatibility has been approved by the Conservation Commission.

4. This request is for additional water from an existing well and no well log is available for this well.
5. Water level records for the CH-W Aquifer indicate the long term effect of pumping for irrigation has not adversely affected water availability from the CH-W Aquifer.


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 57069.

Irrigation Reports, 1986, Irrigation Questionnaires Reports For 1986, DWNr, Division of Water Rights, Joe Foss Building, Pierre SD 57501.

Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, Part II Water Resources, USGS, Huron SD 57350.

Water Rights Division, 1988, Observation Wells CM-72B, CM-72C, CM-80D, CM-68F, DWNr, Division of Water Rights, Joe Foss Building, Pierre SD 57501.

[illegible]

סדר	LOCATION	DATE	MEMO	REMARKS
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[illegible]

מס' תעודת זהות	שם פרטי	שם משפחה	תאריך	מס' תעודת זהות	שם פרטי	שם משפחה
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11057000 - END OF DATA SET

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5183-3, Joe Holzbauer

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. 5183-3, Joe Holzbauer, RR 1, Box 35, Wagner SD.

The Chief Engineer is recommending APPROVAL of Application No. 5183-3 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 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

No. 5183-3

Instruction to Newspaper - Publish first publication of the following Notice on or before April 5, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5183-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Joe Holzbauer whose mailing address is RR 1, Box 35, Wagner, South Dakota has made an application for a permit to appropriate 1.14 cubic feet of water per second (cfs) from one well (Choteau-West Aquifer) 200 feet deep to irrigate 80 acres. Water Right No. 4198-3 authorizes an appropriation of 2.67 cfs to irrigate 231 acres. This application appropriates additional water from the well authorized by Water Right No. 4198-3 to irrigate the additional acreage. The well is located near the center of the NE $\frac{1}{4}$ and the 80 additional acres are located in the W $\frac{1}{2}$ SE $\frac{1}{4}$; all in Section 27-T96N-R63W.

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

APPROVAL of Application No. 5183-3 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, South Dakota, 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 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.

No. 5183-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss.

I, Mildred Roberson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Wagner Post

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

town of Wagner

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

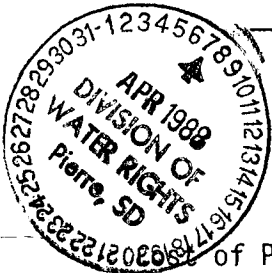
March 30, 1988

April 6, 1988

Mildred Roberson
(Signature)

Bookkeeper
(Title)

April 6 - 1988
(Date Signed)



of Printing: \$ 40.03

1 line @ 43.64; 100 @ 21.84 2 times

Public notice

NOTICE OF HEARING
On Application No. 5183-3
To Appropriate Water

Notice is hereby given that Joe Holzbauer whose mailing address is R.R.1 Box 35, Wagner, South Dakota has made an application for a permit to appropriate 1.14 cubic feet of water per second (cfs) from one well (Choteau-West Aquifer) 200 feet deep to irrigate 80 acres. Water Right No. 4198-3 authorizes an appropriation of 2.67 cfs to irrigate 231 acres. This application appropriates additional water from the well authorized by Water Right No. 4198-3 to irrigate the additional acreage. The well is located near the center of the NE $\frac{1}{4}$ and the 8 $\frac{1}{2}$ additional acres are located in the W $\frac{1}{2}$ SE $\frac{1}{4}$; all in Section 27-T96N-R63W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5183-3 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, South Dakota, 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 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceedings. 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



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

NOV 30 1988

Joe Holzbauer
RR 1, Box 35
Wagner, South Dakota 57380

Dear Mr. Holzbauer:

Enclosed herewith is your Water Permit No. 5183-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 5183-3.

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.

Conversation or File Documentation

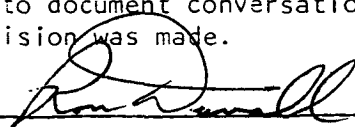
NAME OF PERSON OR FILE: Joe HolzbauerADDRESS: RR 1, Box 35, Wagner COUNTY Charles MixDATE: Jan 3, 1989 TELEPHONE 384-3294RE: Revise irrigation system

COMMENTS:

Mr. Holzbauer called to determine if the diversion rate authorized by Water Right No. 4198-3 and Permit No. 5183-3 could be combined for the total acres specified on the water right & permit. The combined diversion rate is 3.81 cfs ($\approx$ 1700 gpm).

Mr. Holzbauer plans to replace the towline system with a Tri-matic and pump from 750 to 1100 gpm alternating between two systems. I told Mr. Holzbauer the system change could be made if the diversion rate does not exceed 3.81 cfs for the combined acreage from the one well. I also confirmed this information with John Hatch, Chief Engineer.

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: 

Permit No. 5183-3
Missouri River - 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 Joe Holzbauer of RR1 Box 35, Wagner, SD 57380 holder of Permit Nos. 1370-3; 4198-3; & 5183-3, bearing priority dates of March 13, 1963; December 2, 1977; & March 15, 1988 (respectively) authorizing the diversion of 2.67 (1370-3 & 4198-3); & 1.14 (March 15, 1988) cu. ft. of water per second from groundwater for irrigation purposes, in Charles Mix County.

Permit No. 1370-3 was incorporated into 4198-3 September 11, 1979 and Permit No. 1370-3 was placed in cancelled status. A review of Water License No. 4198-3 found an error in the authorized diversion rates. The original license specified diversion of 2.82 CFS. (Should have been 2.67 CFS). Water License No. 4198-3 was reissued to correct this error.

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

A. Works used to divert the water:

Cummins Diesel
 Model No. NC250
 250 HP

Western Land Roller Pump
 Model No. 12BH
 1600 GPM
 130 PSI

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

DISTRIBUTION LINES:

- 1) Type PVC 2) Size 8 inches 3) Length 3960 feet

C. Works used to apply water to beneficial use:

Trimatic Lateral
 Model No. 320
 Length 1320 feet
 Number of guns 13
 1800 GPM

The system is in the following condition good. The point of diversion is located 1350 feet N and 1320 feet E from the center of Section 27 T96N-R63W (NE1/4). The works are capable of diverting and conveying to the place of use 3.55 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

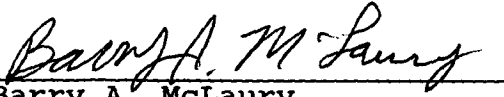
<u>T96N-R63W</u>	<u>Section 27</u>	<u>NW1/4 NE1/4</u>	<u>31 acres</u>
		<u>NE1/4 NE1/4</u>	<u>40 acres</u>
		<u>SE1/4 NE1/4</u>	<u>40 acres</u>
		<u>SW1/4 NE1/4</u>	<u>40 acres</u>
		<u>NE1/4 SE1/4</u>	<u>40 acres</u>
		<u>NW1/4 SE1/4</u>	<u>40 acres</u>
		<u>SE1/4 SE1/4</u>	<u>40 acres</u>
		<u>SW1/4 SE1/4</u>	<u>40 acres</u>

comprising a total of 311 acres of land and the license should be issued for 3.55 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None

Date: June 29, 1993



Barry A. McLaury
Natural Resources Analyst
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 5183-3

DATE: June 29, 1993

Other permit(s) associated with the project: 4198-3

DIVERSION POINT LEGAL LOCATION: 1350 feet N and 1320 feet E from the center of Section 27 T96N-R63W (NE1/4).

WELL INFORMATION:

- 1) Well Drilling Firm: Joe Holzbauer Drilling
- 2) No. of Wells 1
- 3) Depth(s) 200 feet
- 4) Well log is available N

Casing:

- 1) Diameter 15 inches
- 2) Length 160 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 40 feet
- 3) Static water level 80 feet

Pump:

- 1) Make Western Land Roller
- 2) Model 12BH
- 3) Size
- 4) Capacity 1600 GPM

Motor:

- 1) Make Cummins Diesel
- 2) Model No. NC250
- 3) Horsepower rating 250 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum
- 2) Size 8 inches
- 3) Length 3960 feet

SYSTEM TYPE:

Trimatic Lateral:

- 1) Model No. 320
- 2) Length 1320 feet
- 3) Number of guns 13
- 4) Distance between guns 101 feet
- 5) GPM 1800

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 8, 1994

5183-3

Joe Holzbauer
RR 1, Box 35
Wagner, SD 57380

Dear Mr. Holzbauer:

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. 5183-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

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

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

Sincerely,

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 9, 1994

SECOND NOTICE
Permit No: 5183-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Joe Holzbauer
RR 1, Box 35
Wagner, SD 57380

Dear Mr. Holzbauer:

On September 8, 1994, you were notified the final inspection fee of \$50.00 is due before Water License No. 5183-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

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

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fee is paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

5183-3

Joe Holzbauer
RR 1, Box 35
Wagner, SD 57380

4a. Article Number

P 318 052 685

4b. Service Type

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

7. Date of Delivery

11-10-94

5. Signature (Addressee)

6. Signature (Agent)

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

PS Form 3811, December 1991

★U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414321

Pierre, _____ November 15, 19 94

RECEIVED OF Joseph J Holz bauer, RR 1 Box 35, Wagner SD 57380-9704

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>5183-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5183-3

(1) Joe Holzbauer, of RR 1, Box 35, Wagner SD 57380 made Application No. 5183-3, November 18, 1987 for a water permit to appropriate 1.14 cubic feet of water per second from groundwater (one existing well), Charles Mix County, South Dakota for irrigation purposes. Permit No. 5183-3, with a priority date of March 15, 1988 was approved May 11, 1988 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 11, 1993 and the application to beneficial use of said water to be completed on or before May 11, 1997.

Permit No. 1370-3 was incorporated into No. 4198-3, September 11, 1979 and Permit No. 1370-3 was placed in cancelled status. A review of Water License No. 4198-3 found an error in the authorized diversion rate. The original license specified diversion of 2.82 cfs. Water License No. 4198-3 was reissued for the correct diversion rate of 2.67 cfs.

Water Permit No. 5183-3 authorized 1.14 cfs from the well approved under No. 4198-3 to irrigate an additional 80 acres.

The applicable portions of Water License No. 4198-3 have been incorporated into this Water License No. 5183-3. A priority date of March 13, 1963 (established under No. 1370-3) is retained for irrigation of 191 acres in the E 1/2 NE 1/4, NW 1/4 NE 1/4, E 1/2 SE 1/4 Section 27. A priority date of December 2, 1977 (established under No. 4198-3) is retained for irrigation of 40 acres in the SW 1/4 NE 1/4 Section 27. The remaining 80 acres in the W 1/2 SE 1/4 Section 27, retain a priority date of March 15, 1988 as established under Permit No. 5183-3.

(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 3.55 cubic feet of water per second for beneficial use. The location of the diversion point is 1350 feet N and 1320 feet E from the center of Section 27-T96N-R63W (approximate center of NE 1/4).

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

T96N-R63W	Section 27	NW 1/4 NE 1/4	31 acres
		NE 1/4 NE 1/4	40 acres
		SE 1/4 NE 1/4	40 acres
		SW 1/4 NE 1/4	40 acres
		NE 1/4 SE 1/4	40 acres
		NW 1/4 SE 1/4	40 acres
		SE 1/4 SE 1/4	40 acres
		SW 1/4 SE 1/4	40 acres
		Total	311 acres

Water License No. 5183-3

Joe Holzbauer

Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Joe Holzbauer of RR 1, Box 35, Wagner SD 57380 the holder and/or owner of Incorporated Water Permit No. 5183-3 is issued a license to appropriate water, the right to use 3.55 cubic feet of water per second from groundwater (one well) with priority dates of March 13, 1963, December 2, 1977 and March 15, 1988 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. 5183-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer

Water Rights Division

Department of Environment and Natural Resources

MAR 31 1995

date

Barry McLaury
Natural Resources Analyst
Division of Water Rights
Date July 19, 1993

Barry A. McLaury

NOT TO SCALE 1986

96-63

32.8

(102-L)
17.0

29.6

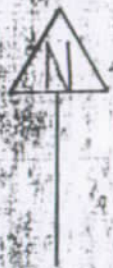
T 58

NW¹ NE¹
31 Acres

77.6

NE¹ NE¹
40 Acres

18.8



40.4

T 57 well

SW¹ NE¹
40 Acres

SE¹ NE¹
40 Acres

8" Aluminum

52.0

38.4

27

25.7 Ruby Martin

NW¹ SE¹ 50.8
40 Acres

NE¹ SE¹
40 Acres

17.6

8" Aluminum

28.8

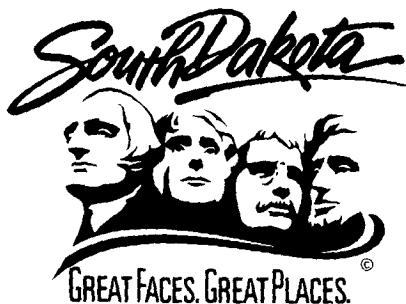
SW¹ SE¹
40 Acres

SE¹ SE¹
40 Acres

8" Aluminum

4

5183-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 31 1995

5183-3

Joe Holzbauer
RR 1, Box 35
Wagner, SD 57380

Dear Mr. Holzbauer:

Enclosed is Water License No. 5183-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414321 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5183-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Water License No. 4198-3 have been incorporated into this Water License No. 5183-3.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 14, 2004

5183-3

Chuck Eitemiller
28774 395th Ave
Armour SD 57313

Dear Mr. Eitemiller:

I am writing in follow-up to your phone conversation with Eric Gronlund concerning Water Right No. 5183-3. Enclosed is a copy for your records.

Eric indicated that you would be farming the land and the new owner lives out of state. Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. The new owner will need to sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

APR 26 2004

WATER RIGHTS
PROGRAM

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

No. 5183-3

Date: 4/26/2004

I/We request that Water Right No. 5183-3

formerly owned by: Joe Holzbauer

be transferred to: (name & address) Arlo Miller

Arlo Miller
4911 Hayfield Ct.
Santa Rosa, CA 95404

4911 Hayfield Ct.

SANTA ROSA CA 95404

Telephone No. 707-588-9037

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

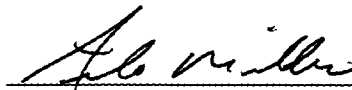
311 acres - E 1/2 Section 27, T96N, R63W

I/We understand that the validity of Water Right No. 5183-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Arlo Miller, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 26, 20 04

RECEIVED OF Arlo Miller, 4911 Hayfield Ct, Santa Rosa CA 95404

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2.50	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>5183-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001234

By

Darland Erbe

Chief Engineer

gn



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 27, 2004

5183-3

Arlo Miller
4911 Hayfield Ct
Santa Rosa CA 95404

Dear Mr. Miller:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee submitted for changing ownership of Water Right No. 5183-3. The transfer has been completed. The water right formerly listed in the name of Joe Holzbauer is now listed in your name.

It is our understanding that Chuck Eitemiller from Armour, SD will be farming your land. If acceptable to you, I will include his name on our records for mailing purposes when we send out the annual irrigation questionnaire. This does not affect ownership of the water right; it merely allows us to send the questionnaire to the person who manages the irrigation of the land.

Enclosed is your Receipt No. 001294 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

c: Chuck Eitemiller



November 2, 2004

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Charles Eitemiller
28774 395th Ave
Armour SD 57313-6707

Dear Mr. Eitemiller:

I am writing in regard to a well driller's report filed by Sargent Irrigation Co. The report shows a new irrigation well was completed on July 15, 2004. A review of our files indicates that Arlo Miller holds Water Right No. 5183-3 and you are the operator. Water Right No. 5183-3 authorizes 3.55 cubic feet of water per second [1600 gallons per minute (gpm)] from one well approximately 200 feet deep located in the center of the NE ¼ Section 27 to irrigate 311 acres located in the E ½ Section 27; all in T96N-R63W.

South Dakota Codified Law 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Mr. Eitemiller, is this a replacement well or an additional well? If this is an additional well, does the total appropriation from both wells exceed 1600 gpm? If so, a new permit application will be required for the additional diversion rate above 1600 gpm. Enclosed are application forms and instructions. If the well is a replacement well or an additional well which does not increase the total appropriation of 1600 gpm, please let me know.

If you have any questions, please contact Eric Gronlund or me. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location Center 1/4 SE 1/4 Sec 27 Twp 96 Rg 63

County

North

Charles Mix Co.

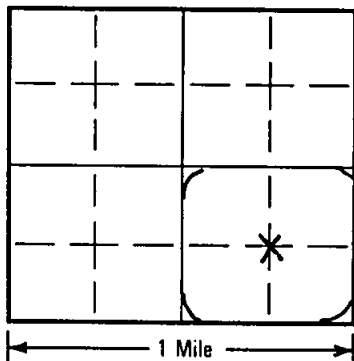
Please mark well location with an "X"

W

E

Well Completion Date

7/15/2004



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
37 LB/FT	16 IN	0 FT	160 FT	30 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	_____	12-16 lb./gal	20 ft	160 ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure TremmieSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 16 IN Length 60 FEETMaterial 26 SDR PVC CasingSlot Size .085 Set From 160 Feet to 220 FeetOther information GravelWAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? ConcreteDescribe packer(s) and location? 20' to Surface

DISINFECTION: Was well disinfected upon completion?

☒ YES, How:HTH

Laboratory sent to for water quality analysis

_____ NO, Why Not?

Well Owner: Charles EitemillerBusiness Name: Arlo MillerAddress: 28774 395th Ave.Armour, SD 57313-6707

WELL LOG:

		FORMATION		DEPTH	
				FROM	TO
0	to	20	Top soil-hard sticky clay w/ small rocks		
20	to	40	10' sticky hard clay w/ small rocks		
20	to	40	10' blue clay		
40	to	60	blue clay		
60	to	80	10' blue clay 3' f. grvl. clay mix		
60	to	80	7' blue clay w/ some fine grvl mixed in		
80	to	100	12' blue clay w/ some f. grvl mixed in		
80	to	100	(92' rock) 8" blue clay w/ f.grvl. strks.		
100	to	120	11' blue clay w/thin f. grvl strks		
100	to	120	(111' rock) 9' blue clay w/ grvl mixed in		
120	to	140	15' blue clay w/thin strks. of grvl		
120	to	140	(135' Rock P.D.) 5' blue clay w/grvl mixed in		
140	to	160	(140' Rock) blue clay w/some thin strks of		
140	to	160	coarse sand & fine gravel		
160	to	180	5' blue clay w/some f.grvl. mixed in 12'		
160	to	180	grvl & cly layers 5' cly w/thin grvl strks.		
180	to	200	14' blue clay w/ some grvl mixed in 6' grvl		
200	to	220	5' grvl-rocks(205 Rock PD)15'		
200	to	220	gravel w/ coarse sand		
220	to	235	11' coarse sand & gravel 4' shale		

STATIC WATER LEVEL 51' Feet

If flowing: closed-in pressure _____ PSI

GPM flow 900 through _____ 8 inch pipeControlled by ☐ Valve ☐ Reducers ☒ Other Sprinkler

Reduced Flowrate _____ System _____ GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☒ Pumped

Describe: _____

☐ Bailed☐ Other

Pumping Level Below Land Surface

97 ft. After 1 Hrs. pumped 700 GPM127 ft. After 1 Hrs. pumped 1200 GPMIf pump installed, pump rate 900 GPM

REMARKS

RECEIVED

OCT 20 2004

This well was drilled under license # 273

WATER RIGHTS PROGRAM

And this report is true and accurate.

Drilling firm Sargent Irrigation Co.

Signature of License Representative:

Dale Schindler

Signature of Well Owner or Equitable Property Holder:

Arlo MillerDate: 7-16-04



5183-3
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 26, 2018

NOTICE

TO: CHARLES EITEMILLER, 28774 395TH AVE, ARMOUR, SD 57313

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2216-3 & 2217-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5183-3 & 6271-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** 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) 5183-3 & 6271-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2216-3 & 2217-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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.

5183-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 9, 2018

2216-3
2217-3
5183-3
6271-3

Charles Eitemiller
28774 395th Ave
Armour SD 57313

Dear Mr. Eitemiller:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires. The forms were submitted by Chet Eitemiller on February 8th.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 2216-3, 2217-3, 5183-3 and 6271-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us