

Considered: _____

WATER PERMIT NO. 5232-3

HAP No. same 883-4161

Name of Applicant Wernerstruck, Inc.

Post Office Address RR2, Box 92 B, Wolsey, SD 57348

Amount of Water Claimed 1.27 cfs Total Acres 89

Source of Water Supply groundwater - 2 wells

Water to be used for irrigation County Beadle

About 2 miles NW of Wolsey

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Aug. 29, 1988 Fee ⁵⁰225⁰⁰ Remarks This appl.

adds acreage not covered under Permit Nos. 3449-3 & 4046-3.

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

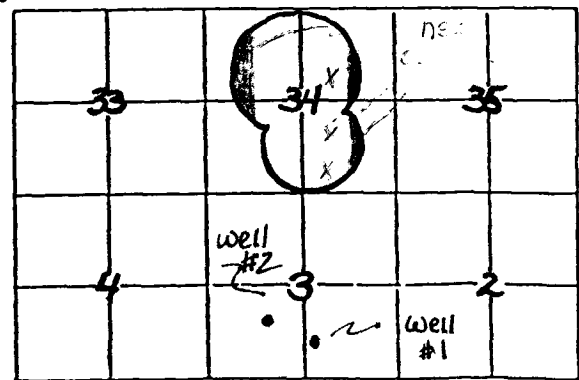
WATER QUALITY APPROVAL RECEIVED 3/9/84 APPROVED CONDITIONAL (Circle one)

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

Diversion Point well #1 SW¹/₄ SE¹/₄ Section 3 - T11N-R64W

well #2 NE¹/₄ SW¹/₄ - Section 3 - T11N-R64W

Land to be Irrigated NW¹/₄ (27 acres), NE¹/₄ (20 acres),
SW¹/₄ (8 acres), SE¹/₄ (34 acres) - Sect. 34 - T112N,
R64W



Well Log: Driller Riverside Licensed YES _____ NO _____

Depth of Well: ~ 102' REMARKS No well logs available.

see 6/30/88 inspection

Type of Map aerial photo PREPARED BY Jim Wendte Reviewed and the Number assigned on September 30, 1988 By Susan A. Bowan



Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. 5232-3 Hydrologic Unit 10160006
Basin James River
Newspaper Daily Plainsman 493rd St SE 57350
Butte Montana

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 Permit Nos. 3449-3 & 4046-3

1. Name of Applicant Wernerstruck, Inc. Phone No. 883-4161
2. Post Office Address RR 2, Box 92 B, Wolsey, South Dakota State 57348
(Street, RR or Box) (City) Zip Code
3. Amount of water claimed (c.f.s) -1.27 Total acres irrigated -89 12 (location correction)
4. Source of Water supply groundwater (2 wells)
5. Location of point of diversion Well #1 - SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3 - T111N-R64W
Well #2 - NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3 - T111N-R64W
County Beadle
6. Counties where water will be used Beadle
7. Annual period during which water is to be used April 1 thru October 31
8. 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$\frac{1}{4}$NW$\frac{1}{4}$ Section 34 T112 R64	6
SW$\frac{1}{4}$NW$\frac{1}{4}$ Section 34 T112 R64	21
NW$\frac{1}{4}$SW$\frac{1}{4}$ Section 34 T112 R64	8
SW$\frac{1}{4}$NE$\frac{1}{4}$ Section 34 T112 R64	15

Land Description	No. Acres Irr.
NW$\frac{1}{4}$SE$\frac{1}{4}$ Section 34 T112 R64	15
NE$\frac{1}{4}$SE$\frac{1}{4}$ Section 34 T112 R64	4
SW$\frac{1}{4}$SE$\frac{1}{4}$ Section 34 T112 R64	12
SE$\frac{1}{4}$SE$\frac{1}{4}$ Section 34 T112 R64	3

Attach sheet if more space is needed SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.34 T112 R64 5

9. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ (Specify) _____
10. Crops to be Irrigated: Corn
11. Give a description of proposed project. (Attach sheet if more space is needed)

This application proposes to ~~add~~ correct the location of acreage not covered under Permit Nos. 3449-3 and 4046-3

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 Beadle)^{ss}

I, Duane Struck, 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 Duane Struck Pres
Wernerstruck, Inc.

Subscribed and sworn to before me this 19th day of August 1988

Bong V. Vilesky 9/27/88
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5232-3 FOR IRRIGATION**

Date of first receipt of application August 29, 1988.

Date Soil/Water Compatibility Permit received November 18, 1988.

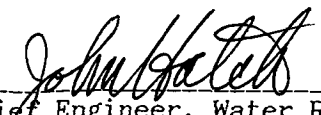
The Water Management Board approved Water Permit Application No. 5232-3 on May 10, 1989 for Wernerstruck, Inc., c/o Duane Struck, RR #2 Box 92B, Wolsey, SD 57348 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5232-3 specifies the correct location of 12 irrigated acres not included in the acreage described on Water Permit Nos. 3449-3 and 4046-3. The acreage described on Permit Nos. 3449-3 and 4046-3 is located in portions of the NW1/4, N1/2 SW1/4, SE1/4 SW1/4, W1/2 E1/2 and the 12 acres not included are located in the SE1/4 NE1/4, E1/2 SE1/4; all in Section 34-T112N-R64W. The 2 wells used to irrigate all the acreage are located in the NE1/4 SW1/4, SW1/4 SE1/4 Section 3-T111N-R64W. This permit does not authorize any increase in the 4.0 cubic feet of water per second diversion rate authorized by Permit No. 3449-3.
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: April 1 to October 31.
3. The date from which applicant may claim right is September 3, 1976.
4. One-fifth of the construction is completed.
5. All construction is completed.
6. Water is put to beneficial use.
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 wells 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, Water Rights Division
Department of Water and Natural Resources

JUN 13 1989

(date)

Supplemental Information

Well #1,2 3-111-64 (type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 16" Depth ~102
- b) Casing Type SS Diameter _____ Thickness _____
- c) Screen Type SS 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 _____ On property owned by others _____

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 _____

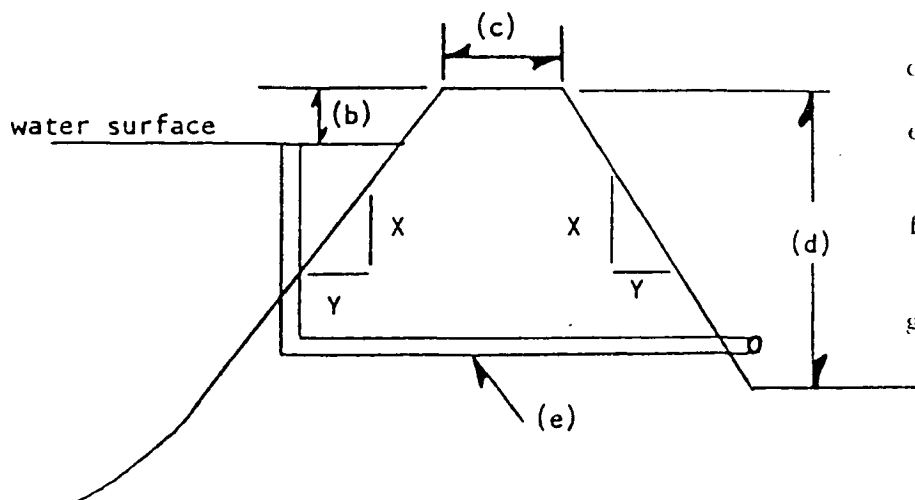
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

NOT TO SCALE

T-2889

Frank Braun

T-2815 July 14

68.5

76.7

July

278-33L

T-2847

Duane Strick

73.7

Well #2

1480

1420'

2700'

Well #1

10.0

870'

11-64

Duane Strick
T-2847

106.2

T-2777

141.8

278-33L

Appl. No 5232-3

1/2 Hwy 14 & 281

NOT TO SCALE

①

112-64

2

1-2516

21.3

106.5

6.4

278-33R

324.3

Priority established by
Permit No. 4946-3

Priority Established
by Permit No. 5232-3

Priority Established
by Appl. No. 5232-3

93.6

34

Bridle
1982

112-64

Booster
Pump

James L. Wendt
Natural Resources Eng.
7-6-88

Appl. No. 5232-3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411300

Pierre, August 30, 1988

RECEIVED OF Wernerstruck, Inc., RR 2, Box 92 B, Wolsey, SD 57384

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

Fee for Application for Permit No. <u>5232-3</u> 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

(TIS)



Water & Natural Resources

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

October 17, 1988

Duane Struck, President
Wernerstruck, Inc.
RR 2, Box 92 B
Wolsey SD 57384

Dear Mr. Struck:

This letter is in response to the water permit applications received from you on August 29, 1988.

Upon further review of the applications, I believe that the application fees for two of the applications need to be revised. Therefore, \$200.00 will be refunded to you. Allow approximately 2 to 3 weeks for processing of the refund. I am sorry for any inconvenience this may have caused you.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352



STATE OF SOUTH DAKOTA VOUCHER

Do not use this space.

☒ Direct

(Z) ☐ Travel

(N) ☐ Non-Cash

(C) ☐ Cash Receipt

(T) ☐ Cash Transfer

(I) ☐ Investment

(B) ☐ Appropriation-Budget Transfer

(E) ☐ Expenditure Correction

(R) ☐ Revenue Correction

(P) ☐ Period Ending Adjustment

(A) ☐ Other Adjustment

AGENCY USE ONLY

APPROVAL OFFICE ONLY

Application Area 75		Vendor Number	Invoice ID	Voucher Number	Date
Date		Purchase Order ID	Document ID	Delivery Date	Payment Due Date
S T A P L E	(Payee, Billed Agency) TO: Wernerstruck, Inc. RR 2, Box 92 B Wolsey, SD 57384			(Department, Billing Agency) FROM: Water Rights Division DWNR Foss Bldg. Pierre SD 57501	

FUNDING INFORMATION

S E Q.	Company	Account		Center		Project		Debit/Credit Amount	Code	Dr. 1	Cr. 6	U C S O D E R E
		Required	User	Required	User	Company	Number					
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												
Total												

Description of Service, Product, or Transfer

Refund for part of Water Permit Applications

Fee submitted on 8-30-88 in amount of \$300.00--refund \$25.00

Fee submitted on 8-30-88 in amount of \$225.00--refund \$175.00

TOTAL REFUND

200 00

Total

200 00

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federally assisted programs.

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4292

WR#

OWNERS NAME: Wernerstruck, Inc. OWNERS ADDRESS: RR 2, Box 928

Wolsey, SD 57348

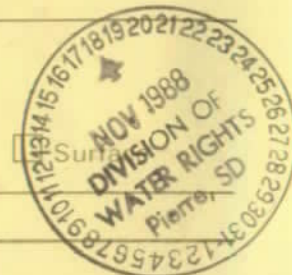
COUNTY LAND LOCATED IN: Beadle PHONE: 883-4161

LEGAL DESCRIPTION:

1. LOCATION #1 - SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 3-111N-64W, #2 - NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 3-111N-64W

☐ Well

Depth: _____



Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34-T112N-R64W *RESTRICTED	6	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 34-T112N-R64W	15
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34-T112N-R64W *RESTRICTED	21	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 34-T112N-R64W	4
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34-T112N-R64W *RESTRICTED	8	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 34-T112N-R64W	12
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34-T112N-R64W	15	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 34-T112N-R64W	3

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34-112-64 OTHER: 5
CENTER PIVOT: ☒ GUN: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: corn

WATER QUALITY:

4. WATER SAMPLE NUMBER: <u>83-0460, 76-2125</u>	7. ADJUSTED (SAR): <u>7.89</u>
5. SALINITY (EC X 10 ⁶): <u>1000 - 1535</u>	8. PERCENT SODIUM: <u>37.52 - 42.35</u>
6. SODIUM (SAR): <u>2.99 - 3.50</u>	

Requirements:

Durstein Silt Loam (Du) is restricted from irrigation. This soil is not suited to crops because of the low fertility, a high salt content, wetness, flooding, seasonal high water table, and poor tilth.

The mapping units of (CbA) (CbB) the Carthage part; (FrB) the Forestburg part; (Sh) Shus, may be subject to a seasonal or perched water table. Should the water table become detrimental to plants or prevent the leaching of salts, adequate internal drainage will be required. To achieve this internal drainage, may require the use of a tile drainage system.

☒ APPROVED ☒ REQUIREMENTS
☐ DISAPPROVED
☐ WAIVER

Director, Division of Conservation

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

Date



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 Pierre, South Dakota 57501
Phone 605/773-3258

October 12, 1983

Wernerstruck Inc.
Wolsey, SD 57384

Dear Mr. Struck:

In reviewing your soil and water compatibility application for 280 acres in Sec 34-112-84, the Irrigation staff is recommending a Conditional Approval of your application to the State Conservation Commission on November 10, 1983. The Conditional recommendation is based on the water quality and the clay contents in the lower profiles of the soils. The Restrictions and Management Recommendations are as follows:

RESTRICTIONS:

Durstein Silt Loam (Du) is restricted from irrigation. This soil is not suited to crops because of the low fertility, a high salt content, wetness, flooding, seasonal high water table and poor tilth.

The mapping units of (CbA) (CbB) the Carthage part; (FrB) the Forestburg part; (sh) Shue maybe subject to a seasonal or perched water table. Should the water table become detrimental to plants or prevent the leaching of salts adequate internal drainage will be required. To achieve this internal drainage may require the use of a tile drainage system.

MANAGEMENT RECOMMENDATIONS:

It is recommended that a form of conservation tillage be used which will leave a crop residue on the surface to control wind erosion.

If you have any questions concerning your application please feel free to contact this office.

Sincerely,

Jim Stukel
Program Administrator

cf

cc: Division of Water Rights
Red Pahl, Irrigation Specialist
Water Quality Laboratory
County Extension Office



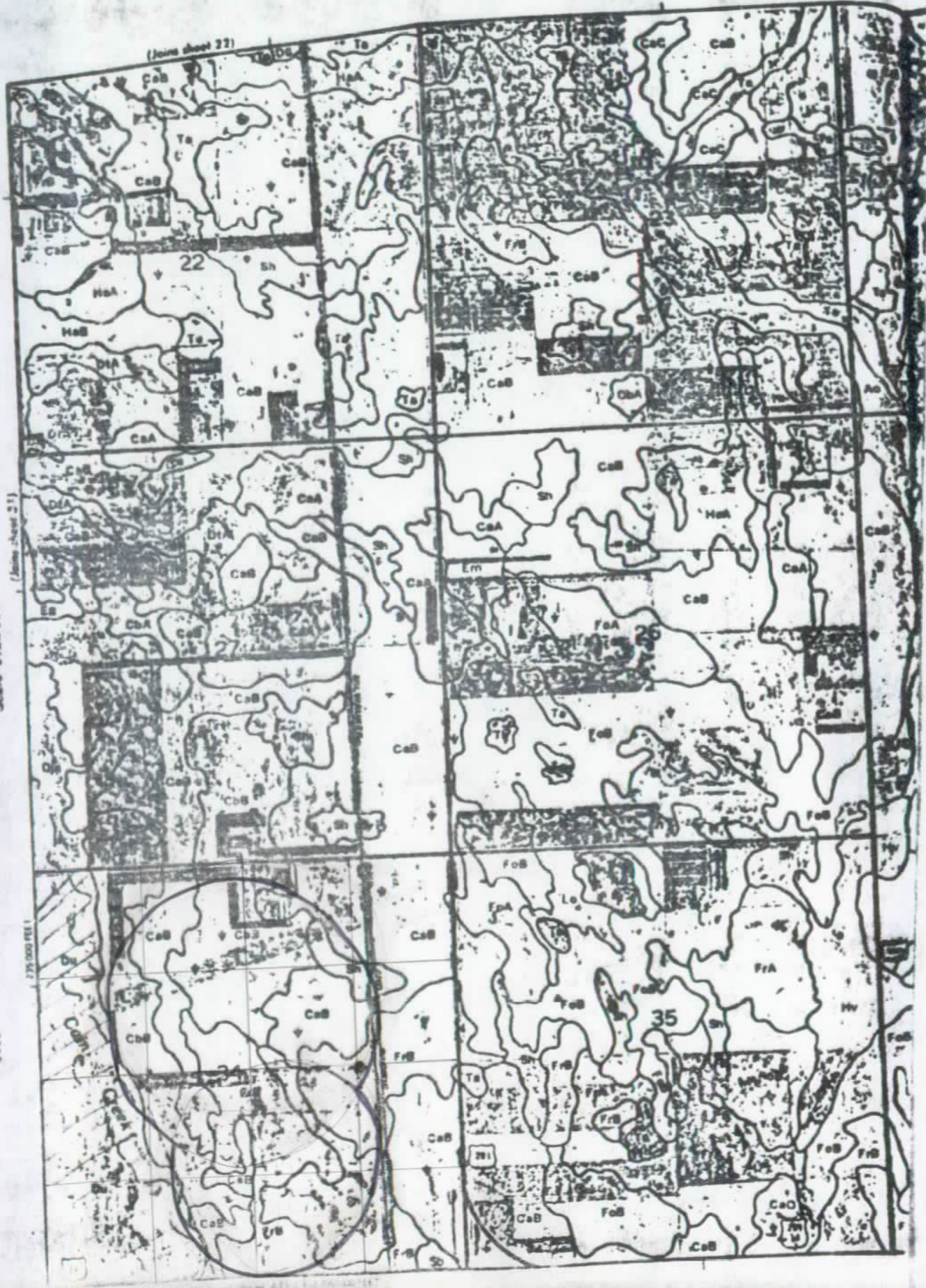
1 Mile
5000 Feet



Scale 1:20000

(Joining sheet 21)

(Joining sheet 22)



REC. MGMT/FORM

CONDITIONAL APPROVAL

#4051

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: WERNERSTRUCK INC.

LEGAL DESCRIPTION: Portions of sec 34-112-64 = 280 acres.

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

Durrstein Silty Loam (Du) is restricted from irrigation. This soil is not suited to crops because of the low fertility, a high salt content, wetness, flooding, seasonal high water table and poor tilth.

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

The mapping units of Cb\ CbB the Carthage part; FrB the Forestburg part; sh Shue maybe subject to a seasonal or perched water table. Should the water table become detrimental to plants or prevent the leaching of salts adequate internal drainage will be required. To achieve this internal drainage may require the use of a tile drainage system.

RECOMMENDED MANAGEMENT:

It is recommended that a form of conservation tillage be used which will leave a crop residue on the surface to control wind erosion.

Signature

3-9-84

DATE

CONSERVATION
COMMISSION
FORM W1 #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

NAME Werner Struck Inc. (Duane Struck) 191D-BC

ADDRESS Wolsey, South Dakota 57384

COUNTY Beadle

LEGAL DESCRIPTION

1. WELL LOCATION SW 1/4 Sec 3, 111-64 3449

2. LOCATION OF AREA TO BE IRRIGATED ~~SW 1/4 Sec 34, 112W-64W~~ will # 40463
Sec 34, 112W-64W 3/79 20 100W

TYPE OF IRRIGATION

3. GRAVITY TOWLINE CENTER PIVOT X GUN

4. CROPS TO BE IRRIGATED Corn and alfalfa

WATER QUALITY

5. SAMPLE NUMBER 76-2125

6. SALINITY (EC X 10⁶) 1535 (high)

7. SODIUM (SAR) 350 (low)

8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from Beadle Conservation District, County Extension office or Soil Conservation Service. and: that the legal description for the location of the well and land to be irrigated is true and correct.

Duane Struck
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
14 DAY February 19 77.

Albert J. Hoff

Division of Conservation

4651

W#

OWNERS NAME: Vernerstruck Inc.

OWNERS ADDRESS: _____

Wolsey, SD 57384COUNTY LAND LOCATED IN BeadlePHONE 883-4161

TENANT'S NAME AND ADDRESS: _____

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

1. WELL LOCATION SE 1/4 3-111-64

Depth _____

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Diversion Location: _____

Legal Description	Acres	Legal Description	Acres
<u>E 1/2 NW 1/4 34-112-64</u>	<u>90</u>		
<u>P 1/2 SW 1/4 34-112-64</u>	<u>90</u>		
<u>W 1/2 NE 1/4 34-112-64</u>	<u>50</u>		
<u>W 1/2 SE 1/4 34-112-64</u>	<u>50</u>	TOTAL = 280 acres	

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

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

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

OTHER

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

6. CROPS TO BE IRRIGATED: _____

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

7. WATER SAMPLE NUMBER: 83 0460 10. ADJUSTED (SAR): 7.89 (5.52)8. SALINITY (EC X 10³): 1000 11. PERCENT SODIUM 31.529. SODIUM (SAR): 2.99

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____ 19____, at the following location: _____

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature of Water Sampler

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

SUBSCRIBED AND SWORN BEFORE ME THIS

27 DAY OF Sept., 1983Laura M. Harp

APPLICANT'S SIGNATURE

Wernerstruck Inc.

Water Rights Division - DWNR
Conversation or File Documentation

File No. 5232-3

NAME OF PERSON OR FILE: Wernerstruck, Inc.

ADDRESS: RR 2, Box 92 B, Wolsey COUNTY Beadle

DATE: _____ TELEPHONE _____

RE: Basis for approval of 5232-3

COMMENTS:

Permit No. 3449-3 was approved Mar 23, 1977 to irrigate 280 acres from one well. A ten tower pivot was installed in March of 1977 and a seven tower pivot was installed in June of 1977.

On July 5, 1977, a second permit (4046-3) was applied for to add a second well. The acreage was described the same as on Permit No. 3449-3 except the $W\frac{1}{2}NW\frac{1}{4}$ and $W\frac{1}{2}SW\frac{1}{4}$ section 34 was also included. Due to the fact that the pivots were already in place, I assumed the intent of the second application was to also include the area in the $NW\frac{1}{4}$ and $SW\frac{1}{4}$ sec 34 that was omitted on No. 3449-3. The priority date assigned to Permit No. 4046-3 should not have been the date assigned to No. 3449-3. A new area was being irrigated and the total acreage exceeded the 280 acres specified on No. 3449-3.

Permit No. 5232-3 was processed according to General Rules 74:02:01:14.01 which allows for correction of acreage locations with the original priority date being retained.

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.

Report on Permit Application No. 5232-3
Wernerstruck, Incorporated
October 21, 1988

Permit application No. 5232-3 proposes to irrigate 12 acres in addition to the acreage described on Permit Nos. 3449-3 and 4046-3. The acreage described on Permit Nos. 3449-3 and 4046-3 is located in portions of the NW1/4, N1/2 SW1/4, SE1/4 SW1/4, W1/2 E1/2 and the 12 additional acres are located in the SE1/4 NE1/4, E1/2 SE1/4; all in Section 34, T112N-R64W. The 2 wells used to irrigate the acreage are located in the NE1/4 SW1/4, and the SW1/4 SE1/4 Section 3, T111N-R64W. This application does not authorize any increase in the 4.0 cubic feet of water per second diversion rate authorized by Permit No. 3449-3. This permit is the result of a Water Rights Staff inspection for licensing Permit Nos. 3449-3 and 4046-3.

Aquifer - Warren-Wolsey

The Wolsey management unit of the Warren Aquifer is a Pliocene outwash (sand and gravel), which is under artesian conditions in this area. The Warren-Wolsey underlies approximately 21,200 acres of Beadle County and contains an estimated 80,000 acre-feet of recoverable water in storage in the county. The Division of Water Rights monitors 4 observation wells completed in the Warren-Wolsey in Beadle county. Two observation wells are within 2 miles of the wells to be used to supply this permit. Hydrographs of the observation wells indicate the water level of the aquifer fluctuates in response to annual recharge, but do not suggest a decline of the water table of the aquifer.

Review of Existing Water Rights

There are nine existing water rights, representing a total appropriation of 4,916 acre-feet of water from the Warren-Wolsey Aquifer in Beadle County (Division of Water Rights, 1988). The pumpage reported from the aquifer, in Beadle County, in 1987 was 671 acre-feet (Division of Water Rights 1988). The nearest permit diversion point is approximately one mile from the wells to be used to supply this application. Interference is not expected to be a problem. Drawdowns due to pumping will occur but should not adversely affect existing wells. The wells used to supply this permit have been in use for several years.

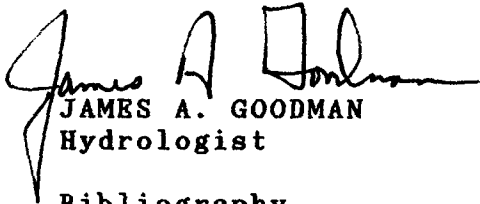
Conclusions

1. Permit Application No. 5232-3 proposes to irrigate 12 acres in addition to the acreage described on Water Permit Nos. 3449-3 and 4046-3. This application does not request any additional diversion rate.
2. The Wolsey management unit of the Warren Aquifer is a viable source of groundwater. There is a reasonable probability that unappropriated water is available.
3. This appropriation can be made with no impairment of existing water rights.



KENT BUHLER
Natural Resources Engineer

APPROVED BY



JAMES A. GOODMAN
Hydrologist

Bibliography

Division of Water Rights, 1988, Irrigation Summary, DWNR,
Division of Water Rights, Foss Building, Pierre, SD 57501-3181

Division of Water Rights, 1988, Water Permit Files and
Observation Well Files, DWNR, Division of Water Rights, Foss
Building, Pierre, SD 57501-3181

Hedges, L.S., Burch, S., Barrari, R., Schoon, R., 1982,
Evaluation of Groundwater Resources, Eastern South Dakota and
Big Sioux River, South Dakota and Iowa, US Army Corps of
Engineers, DWNR, Division of Geological Survey, Vermillion,
57069

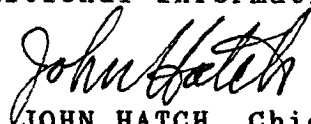
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5232-3, Wernerstruck, Inc.

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. 5232-3, Wernerstruck, Inc., RR 2, Box 92B, Wolsey SD.

The Chief Engineer is recommending APPROVAL of Application No. 5232-3 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 wells 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
October 22, 1988



Department of Water & Natural Resources

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

April 26, 1989

Duane Struck
Wernerstruck, Inc.
RR 2, Box 92B
Wolsey SD 57348

Dear Mr. Struck:

Enclosed is the Report and the Recommendation of the Chief Engineer for Water Permit Application No. 5232-3 which will be considered at the May 10, 1989 Water Management Board Meeting.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosures



**Department of
Water & Natural Resources**

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

April 6, 1989

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

Duane Struck
Wernerstruck, Inc.
RR #2, Box 92B
Wolsey, SD 57348

Dear Mr. Struck:

Water Permit Application No. 5232-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Daily Plainsman printed at Huron SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation will be sent to you at a later date. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper 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 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 Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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

April 6, 1989

Daily Plainsman
49 3rd St SE
Huron, SD 57350

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5232-3 to be published twice. Please publish the first notice on or before April 12, 1989 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 Wernerstruck, Inc., RR #2, Box 92B, Wolsey, SD 57348.

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

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

No. _____

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



Instruction to Newspaper - Publish first Notice on or before April 12, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5232-3 to Correct Irrigated
Acreage Location

Notice is given that Wernerstruck, Inc., RR #2, Box 92B, Wolsey, SD 57348 has filed an application for a water permit to specify the correct location of 12 irrigated acres not included in the acreage described on Water Permit Nos. 3449-3 and 4046-3. The acreage described on Permit Nos. 3449-3 and 4046-3 is located in portions of the NW1/4, NE1/2 SW1/4, SE1/4 SW1/4, W1/2 E1/2 and the 12 acres not included are located in the SE1/4 NE1/4, E1/2 SE1/4; all in section 34-T112N-R64W. The 2 wells used to irrigate all the acreage are located in the NE1/4 SW1/4, SW1/4 SE1/4 section 3-T111N-R64W. This application does not authorize any increase in the 4.0 cubic feet of water per second diversion rate authorized by Permit No. 3449-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5232-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board at 523 E. Capitol, Joe Foss Building, Room 216, Pierre, SD on May 10, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This application is made pursuant to 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

No. 5232-3



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

I, James L. Hein hereby

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

Water was taken from the Huron Daily Plainsman

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

City Huron of Huron

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

April 11, 1989

April 18, 1989

James L. Hein
(Signature)

Controller
(Title)

April 18, 1989
(Date Signed)

Cost of Printing: \$74.80

F.P. 4-11-89 L.P. 4-18-89
NOTICE OF HEARING
On Application
No. 5232-3 To
Correct Irrigated
Acreage Location

Notice is given that Werners-
truck, Inc., RR #2, Box 92B,
Wolsey, SD 57384 has filed an
application for a water permit
to specify the correct location
of 12 irrigated acres not includ-
ed in the acreage described on
Water Permit Nos. 3449-3 and
4046-3. The acreage described
on Permit Nos. 3449-3 and 4046-3
is located in portions of the NW
1/4, N 1/2 SW 1/4, SE 1/4 SW
1/4, W 1/2 E 1/2 and the 12
acres not included are located
in the SE 1/4 NE 1/4, E 1/2 SE
1/4; all in Section 34-T112N-
R64W. The 2 wells used to irri-
gate all the acreage are located
in the NE 1/4 SW 1/4, SW 1/4 SE
1/4 Section 3-T111N-R64W. This
application does not authorize
any increase in the 4.0 cubic
feet of water per second diver-
sion rate authorized by Permit
No. 3449-3.

Pursuant to SDCL 46-2A-2,
the Chief Engineer of the Water
Rights Division recommends
APPROVAL of Application No.
5232-3 because 1) existing rights
will not be unlawfully impaired,
2) it is a beneficial use of water
and 3) it is in the public inter-
est. This application will be
considered by the Water Man-
agement Board at 523 E. Cap-
itol, Joe Foss Building, Room
216, Pierre, SD on May 10, 1989
at 10:00 a.m. The Chief Engi-
neer's recommendation is not
final or binding upon the Board.
The Board is authorized to 1)
approve, 2) approve with qual-
ifications, 3), defer or 4) deny
this application based on the
facts presented at the public
hearing.

Any interested person that in-
tends to participate in the hear-
ing before the Board by
presenting evidence or cross-
examining witnesses according
to SDCL 1-26, must file a writ-
ten petition with BOTH the ap-
plicant and Chief Engineer by
April 28, 1989. The Chief Engi-
neer's address is "Water
Rights Division, Foss Building,
523 E. Capitol, Pierre, SD 57501
(605 773-3352)." The petition
may be informal, but must in-
clude a statement describing
the petitioner's interest in the
application, the petitioner's
reasons for opposing or sup-
porting the application and the
signature and mailing address
of the petitioner or legal coun-
sel if legal counsel is obtained.
The applicant need not file a pe-
tition. Contact the Water Rights
Division to request information
on this application or to assure
access to the hearing by the
handicapped.

This hearing is an adversary
proceeding. Any person filing a
petition and/or the applicant
have the right to be represented
by a lawyer. These and other
due process rights will be for-
feited if not exercised. Deci-
sions of the Board may be
appealed to the Circuit Court
and State Supreme Court as
provided by law. The time of
the hearing will also be auto-
matically delayed for at least
twenty days upon written re-
quest to the Chief Engineer
from the applicant or a peti-
tioner. The request for a delay
must be received by April 28,
1989.

This application is made pur-
suant to 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.

No. 174 (adv.)

11' V 2 x 3.40 = 74.80



Department of Water & Natural Resources

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

JUN 13 1989

Wernerstruck, Inc.
c/o Duane Struck
RR #2 Box 92B
Wolsey, SD 57348

Dear Mr. Struck:

Enclosed is Water Permit No. 5232-3 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 the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

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.



 **Department of
Water & Natural Resources**

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

August 10, 1989

5232-3

Duane Struck
Wernerstruck, Inc
RR #2 Box 92B
Wolsey, SD 57384

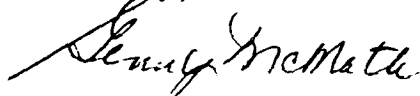
Dear Mr. Struck:

The inspection of your water use system developed under Water Permit Nos. 3449-3 and 4046-3 was completed on July 6, 1988. Water Permit No. 5232-3 was then obtained to correct the location of some irrigated acreage not included in the other two permits. 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 of Water License No. 5232-3. The applicable portions of Water Permit Nos. 3449-3 and 4046-3 will be incorporated into Water License No. 5232-3.

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

411891

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, August 25, 19 89RECEIVED OF Wenerstruck, Inc., RR #2 Box 92B, Wolsey, SD 57384

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>5232-3</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 / mrc
Chief Engineer

3449-3

4046-3

Struck

6-30-88

LICENSE FOR PERMIT NUMBER 4141-31. Legal location of wells: 3-111-64

dams & structures: _____

2. Well Information: Well Drilling Firm RiversideNo. of wells 2 Depth ≈ 102'Casing a) diameter 16" (Both) Screen a) type S.S. (Both)b) length — b) length 30' (Both)c) type S.S. (Both) Static Water Level —#1
Pumpa) make National Motor a) make Cummings Dieselb) model N260-3 b) model no. —c) size — c) horsepower rating 250d) capacity — GPM d) motor efficiency rating —e) turbine pump no. of stages —Johnson
Rt. Angle
Gear Drive
Ser. No.
50653-H1103. Distribution lines: 8" (booster to pivots)a) size of lines 10" (wells to booster)b) type PVCc) length —

4. Dam information:

#2
John Deere
Diesel
6404DR-20
533017RG
110 H.P.
National Pump
Couldn't Read Tag
Amarillo Rt.
Angle Gear Dr.
Ser. No.
5100-111101a) 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 —Booster Pump
Century 25 H.P.
#G-33020-02

i) Outlet tubes:

1) diameter —2) type —3) valued (Y/N) —4) valve type —5) location on structure —1000 gpm → #2
800 gpm → #1

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 (North) d) Gate Pipe

Model 307
1) make Zimmatic
2) number of towers 10

3) distance between towers _____

4) overall length ≈ 1700'

5) End gun (YN)

6) high or low pressure _____

7) make & size of nozzles _____

8) PSI reading while system is running 55

9) GPM 1300 (when run alone)

g) Gun

1) make _____

2) serial number _____

3) nozzle size _____

4) capacity (GPM) _____

5) PSI _____

6) hose size _____

7) hose length _____

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

X _____

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

X _____

2. Special Qualifications to permit being abided by.

X _____

3. All Structures, wells and lands on map.

REMARKS:

South Pivot

Valley

1280'

7 towers

Low 55 psi

End Gun

#18106776

600 gpm (when run alone)

* 1800 gpm when both
Pivots are run
at the same
time.

Permit No.

5232-3

Includes
3449-3
4046-3James River Water District**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 Wernerstruck, Inc. of RR# 2 Box 92B, Wolsey, SD holder of Permit No. 3449-3 4046-3 5232-3, bearing the priority of September 3 1976 authorizing the diversion of 4.0 cu. ft. per second of the waters of groundwater (two wells) for irrigation purposes, in Beadle County.

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

A. Works used to divert the water:

Two wells - 102' deep, 16" stainless steel casing, 30' stainless steel screen

- ① National pump, model 260-3 with Cummings Diesel motor w/250 horsepower rating (800 gpm)
- ② John Deere Diesel motor with National pump - 1000 gpm

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

8" PVC Distribution lines from booster to pivots25 Horsepower
Booster pump10" PVC Distribution lines from wells to booster

C. Works used to apply water to beneficial use:

North pivot - 10 tower Zimmatic center pivot w/lead gun (1300 gpm when running alone)*South pivot - 7 tower Valley center pivot w/lead gun (600 gpm when running alone)** 1800 gpm when both pivots are run at the same timeThe system is in the following condition good

The point^s of diversion^{are} located Well #1 - 2700 ft E and 870 ft N of the SW corner;
Well #2 - 1480 ft E and 1420 ft N of the SW corner, Sec. 3, T11N, R64W

The works are capable of diverting and conveying to the place of use 4.00 (1800 gpm)cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: Section 34, T112N, R64W

<u>NE 1/4 NW 1/4 31 acres</u>	<u>NW 1/4 NE 1/4 23 acres</u>	<u>NW 1/4 SW 1/4 8 acres</u>	<u>NW 1/4 SE 1/4 40 acres</u>
<u>NW 1/4 NW 1/4 6 "</u>	<u>SW 1/4 NE 1/4 40 "</u>	<u>NE 1/4 SW 1/4 37 "</u>	<u>NE 1/4 SE 1/4 4 "</u>
<u>SW 1/4 NW 1/4 21 "</u>	<u>SE 1/4 NE 1/4 5 "</u>	<u>SE 1/4 SW 1/4 21 "</u>	<u>SW 1/4 SE 1/4 37 "</u>
<u>SE 1/4 NW 1/4 40 "</u>			<u>SE 1/4 SE 1/4 3 "</u>

comprising a total of 316 acres of land and the license should be issued for 4.0 cfsApplicable permit qualifications have been complied with Yes NoExceptions to compliance are: _____ Date 6-30-88Inspection Report completed 8-9-89.
ForJames L. Wendt
(Signature)

NOT TO SCALE

①

112-64

②

1-2516

Winnipeg River

6.4

21.3

106.5

278-33R

324.3

6

31

23

7

21

40

34

8

93.6

37

40

4

Boyle
1982

21

3

37

112-64

Booster
Pump

James L. Wendler
Natural Resources Eng.
7-6-88

Water Right No.
5232-3

NOT TO SCALE

T-2881

Frank Braun

T-2815 July 14

68.5

76.7

Highway

278-33L

T-2811

Dream Struck

73.7

Well #2

1480

1420'

2700'

Well #1

100

870'

11-64

T-2777

141.8

278-33L

James L. Wendt
Natural Resources Eng.
T-7-6-89

Highway 14 & 281

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5232-3

(1) Wernerstruck, Inc. of RR 2, Box 92B, Wolsey SD 57384 made Application No. 5232-3, August 29, 1988 for a water permit to appropriate no additional cubic feet of water per second from groundwater (two wells), Beadle County, South Dakota for irrigation purposes. Permit No. 5232-3 with a priority date of September 3, 1976 was approved May 10, 1989 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. 5232-3 specifies the correct location of 12 irrigated acres not included in the acreage described on Water Permit Nos. 3449-3 and 4046-3. The applicable portions of Water Permit Nos. 3449-3 and 4046-3 are incorporated into this Water License No. 5232-3. A priority date of September 3, 1976 is retained.

(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 4.0 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 2700 feet E and 870 feet N of the SW corner; Well #2 - 1480 feet E and 1420 feet N of the SW corner, Section 3, T111N, R64W.

(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:

T112N, R64W Section 34	NE 1/4 NW 1/4	31	acres
	NW 1/4 NW 1/4	6	"
	SW 1/4 NW 1/4	21	"
	SE 1/4 NW 1/4	40	"
	NW 1/4 NE 1/4	23	"
	SW 1/4 NE 1/4	40	"
	SE 1/4 NE 1/4	5	"
	NW 1/4 SW 1/4	8	"
	NE 1/4 SW 1/4	37	"
	SE 1/4 SW 1/4	21	"
	NW 1/4 SE 1/4	40	"
	NE 1/4 SE 1/4	4	"
	SW 1/4 SE 1/4	37	"
	SE 1/4 SE 1/4	3	"

TOTAL 316 ACRES

(4) Pursuant to Section 46-5-30.1 Wernerstruck, Inc. of RR 2, Box 92B, Wolsey SD 57384 the holder(s) and/or owner(s) of Incorporated No. 5232-3 is issued a license to appropriate water, the right to use 4.0 cubic feet of water per second from groundwater (two wells) with a priority date of September 3, 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. 5232-3 and subject to South Dakota State Law.



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

SEP 14 1989



Department of Water & Natural Resources

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

SEP 14 1989

5232-3

Wernerstruck, Inc.
RR 2, Box 92B
Wolsey SD 57384

Dear Sirs:

Enclosed is Water License No. 5232-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 411891 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

The applicable portions of Water Permit Nos. 3449-3 and 4046-3 are incorporated into this Water License No. 5232-3.

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. 5232-3, 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

enclosures





January 26, 2007

NOTICE

5232-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: WERNERSTRUCK INC, DAVID STRUCK, 20601 385TH AVE, WOLSEY, SD 57348 8619
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 1925-3 & 4396-3 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) 4662-3A, 5232-3 & 5452-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 4662-3A, 5232-3 & 5452-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1925-3 & 4396-3 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 questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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



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February 2, 2007

David Struck
Wernerstruck Inc
20601 385th Ave
Wolsey SD 57348-8619

RE: Water Right Nos. 1925-3, 4396-3, 4662-3A, 5232-3 and 5452-3

Dear Mr. Struck:

I am writing to acknowledge receipt of your "2006" irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 1925-3, 4396-3, 4662-3A, 5232-3 and 5452-3.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

No. 5232-3

August 3, 2023

Wernerstruck Inc.
c/o David Struck
20601 385th Avenue
Wolsey SD 57348

Dear Mr. Struck:

On August 3, 2023, a staff member from the Department of Agriculture and Natural Resources (DANR) observed overspray from the irrigation system located in the S1/2 Section 34-T112N-R64W into a ditch and the onto the shoulder of Highway 14. This irrigation system is covered by Water Right No. 5232-3.

It is common for center pivots to have stops which are used to shut off the end gun when the pivot nears a road. Please take steps to ensure end gun stops are functioning properly so there is not direct overspray on to the road.

A water right holder is not allowed to waste water or operate an irrigation system in violation of state water law, which includes end gun overspray upon lands, including roadways, not covered by the water right. Application of water to a roadway or unauthorized lands is a waste and unreasonable use of water pursuant to SDCL 46-1-4.

If you don't believe this irrigation system is causing the overspray, or if you have any questions, please contact me at (605) 773-3352 or by email at ron.duvall@state.sd.us.

Thank you for your cooperation,

Ron Duvall
Water Rights Program, DANR

Rodriguez, Rachel

From: Duvall, Ron
Sent: Thursday, August 3, 2023 10:41 AM
To: Rodriguez, Rachel
Cc: Gronlund, Eric
Subject: FW: Irrigator overspray

Rachel,

Need to send out an overspray letter to the holder of Water Right No. 5232-3 – use the first letter. The center pivot is located in the S1/2 section 34-T112N-R64W and is spraying water into the ditch and on to the shoulder of Highway 14.

Mail to:
DAVID STRUCK
20601 385TH AVE
WOLSEY SD 57348

Thank you,

Ron

From: Roberts, Hunter <Hunter.Roberts@state.sd.us>
Sent: Thursday, August 3, 2023 9:47 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>; Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: Irrigator overspray

Hello Ron and Eric,

There is an irrigator that is getting some overspray on Hwy 14 right by the Hwy 281 intersection. It pretty much just hitting the ditch and all of the shoulder of the highway.

Regards,
Hunter

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