

Considered: \_\_\_\_\_

WATER PERMIT NO. 5247-3

36

HAP No. Same 442-2538

Name of Applicant Fred Harner

Post Office Address RR3 Box 119 Tolstoy, SD 57475

Amount of Water Claimed 0. cfs Total Acres 12 add'l

Source of Water Supply groundwater - 2 wells

Water to be used for irrigation County Edmunds

About 3 miles north of Tolstoy, SD

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved 3/2/89 Subject to \_\_\_\_\_

F.F. & C.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY \_\_\_\_\_ Date Received Oct. 31, 1988 Fee 150<sup>00</sup> Remarks This appl. adds  
10/31/88 a div. pt. & 12 acres to Water Permit No. 4008-3

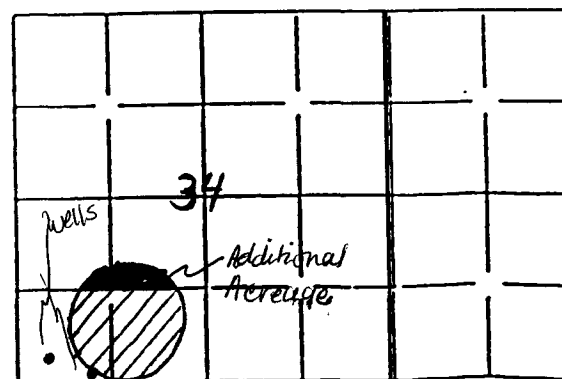
Corrected Application Received \_\_\_\_\_ Period of Annual Use Apr 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED Nov. 18, 1988 APPROVED CONDITIONAL (Circle one)

WI-1 Description same as Application YES ☒ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Points SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sect 34 - T12N - R73W

Land to be Irrigated N $\frac{1}{2}$ SW $\frac{1}{4}$  Sect 34 - T12N - R73W

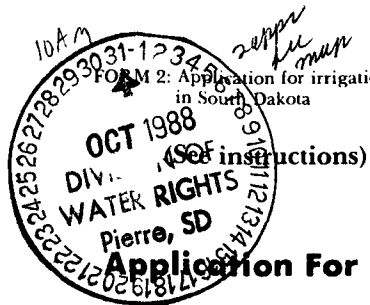


Well Log: Driller Dakota Boring Co. Licensed YES ☒ NO \_\_\_\_\_

Depth of Well 37', 59' REMARKS see file for 4008-3

Type of Map Aerial PREPARED BY Jim Wendte Reviewed and the Number

assigned on November 30, 1988 By Susan A. Branch



No. 5247-3 Hydrologic Unit 10130106  
Basin Missouri R.  
Newspaper Battle Pioneer Box 368 57428 (Wed)  
Haven Review, Box 37 (Thurs)

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

**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 No. 4008-3

1. Name of Applicant Fred Harner Phone No. 442-2538  
Post Office Address RR 3, Box 119 Tolstoy SD 57475  
(Street, RR or Box) (City) State Zip Code

2. Amount of water claimed (c.f.s) 0.22 0.50 Total acres irrigated 16- 12 add'l  
3. Source of Water supply groundwater (2 wells)  
4. Location of point of diversion Both wells in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 34-T121N-R73W

County Edmunds  
5. Counties where water will be used Edmunds  
6. Annual period during which water is to be used April 1 - October 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 $\frac{1}{4}$ SW $\frac{1}{4}$ 34-121-73       | 3              |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ 34-121-73       | 9              |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ 34-121-73 ----- | 2--            |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ 34-121-73 ----- | 2--            |

| Land Description | No. Acres Irr. |
|------------------|----------------|
|                  |                |
|                  |                |
|                  |                |
|                  |                |

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: \_\_\_\_\_ Towline: \_\_\_\_\_ Center Pivot: ☒ Gun: \_\_\_\_\_ Other: \_\_\_\_\_  
9. Crops to be Irrigated: corn, beans

10. Give a description of proposed project. (Attach sheet if more space is needed)  
This permit application proposes to add a diversion point and 16 acres to Water Permit No. 4008-3.  
The combined diversion rate for Permit No. 4008-3 and this application, if approved, is 0.78 cfs for irrigation of 62 acres.

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 Edmunds)<sup>ss</sup>

I, Fred Harner, 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 Fred Harner  
Subscribed and sworn to before me this 28th day of October 1988  
Floyd R. Schaff  
Notary Public

**SOUTH DAKOTA**  
**WATER PERMIT No. 5247-3 FOR IRRIGATION**

Date of first receipt of application October 31, 1988.

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

Date of return of applicant for correction, amendments or changes required December 21, 1988.

Date of receipt of corrected application December 27, 1988.

The Water Management Board approved Water Permit Application No. 5247-3 on March 2, 1989 for Fred Harner, RR 3, Box 119, Tolstoy SD 57475 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. 5247-3 authorizes one additional well to irrigate 50 acres authorized by Water Permit No. 4008-3 in the S 1/2 SW 1/4 plus an additional 12 acres in the N 1/2 SW 1/4; all in Section 34-T121N-R73W. The existing well authorized by Permit No. 4008-3 is also used to irrigate the 12 acres. This permit also appropriates 0.50 cfs from the additional well, 59 feet deep, with both wells located in the SW 1/4 SW 1/4 Section 34-T121N-R73W. The combined diversions of the two permits may not exceed 0.78 cfs for irrigation of 62 acres.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is October 31, 1988.
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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Portions of the land authorized for irrigation under Permit No. 5247-3 are also covered under Water Permit No. 4008-3. Combinations of diversion under the two permits may not exceed the Statutory limit of 1.0 cfs for each 70 acres of land to be irrigated.

**WATER MANAGEMENT BOARD**

By: \_\_\_\_\_

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

**JUN 13 1989**

\_\_\_\_\_  
(date)

# Supplemental Information

NW well

(type or print in ink)

## 1. Well Information - Proposed construction

- a) Drill Hole Diameter 24" Depth 59'
- b) Casing Type PVC Diameter 16" Thickness 1/4"
- c) Screen Type Stainless Steel Diameter 16" Thickness 1"
- d) Gravel Pack Thickness 8" Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material 4'
- f) Depth to Water (ground surface to water level) 3'
- g) Distance to nearest existing domestic well:
- On applicants property 3/4 mi On property owned by others 3/4 mi

## 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 \_\_\_\_\_

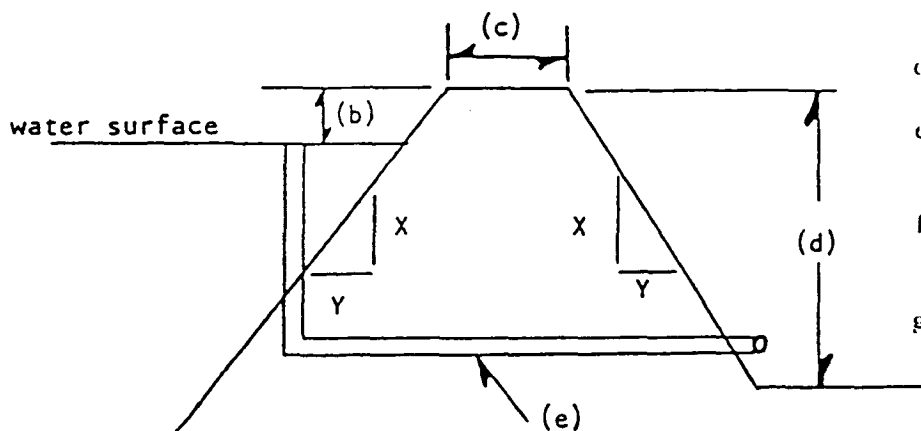
g) X & Y Slope  
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

Surface Area of Impoundment \_\_\_\_\_

Storage \_\_\_\_\_ acre feet

Drainage area above dam \_\_\_\_\_



Signature of Applicant

# Supplemental Information

SE Well

(type or print in ink)

## 1. Well Information - Proposed construction

- a) Drill Hole Diameter 24" Depth 37
- b) Casing Type plastic Diameter 16" Thickness 1/4"
- c) Screen Type plastic Diameter 16" Thickness 1/4"
- d) Gravel Pack Thickness 8' Length of Gravel Pack 18'
- e) Depth to Top of Water Bearing Material 12' 6"
- f) Depth to Water (ground surface to water level) 15'
- g) Distance to nearest existing domestic well:
- On applicants property 3/4 mi. On property owned by others 3/4 mi.

## 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 \_\_\_\_\_

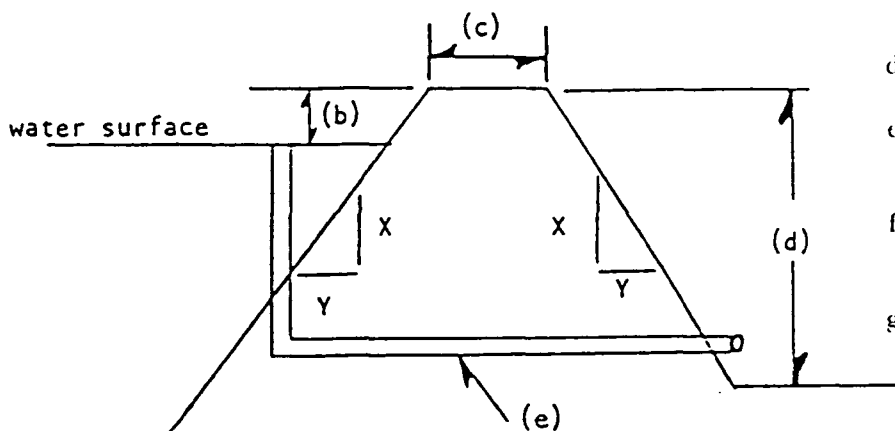
g) X & Y Slope  
Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

Surface Area of Impoundment \_\_\_\_\_

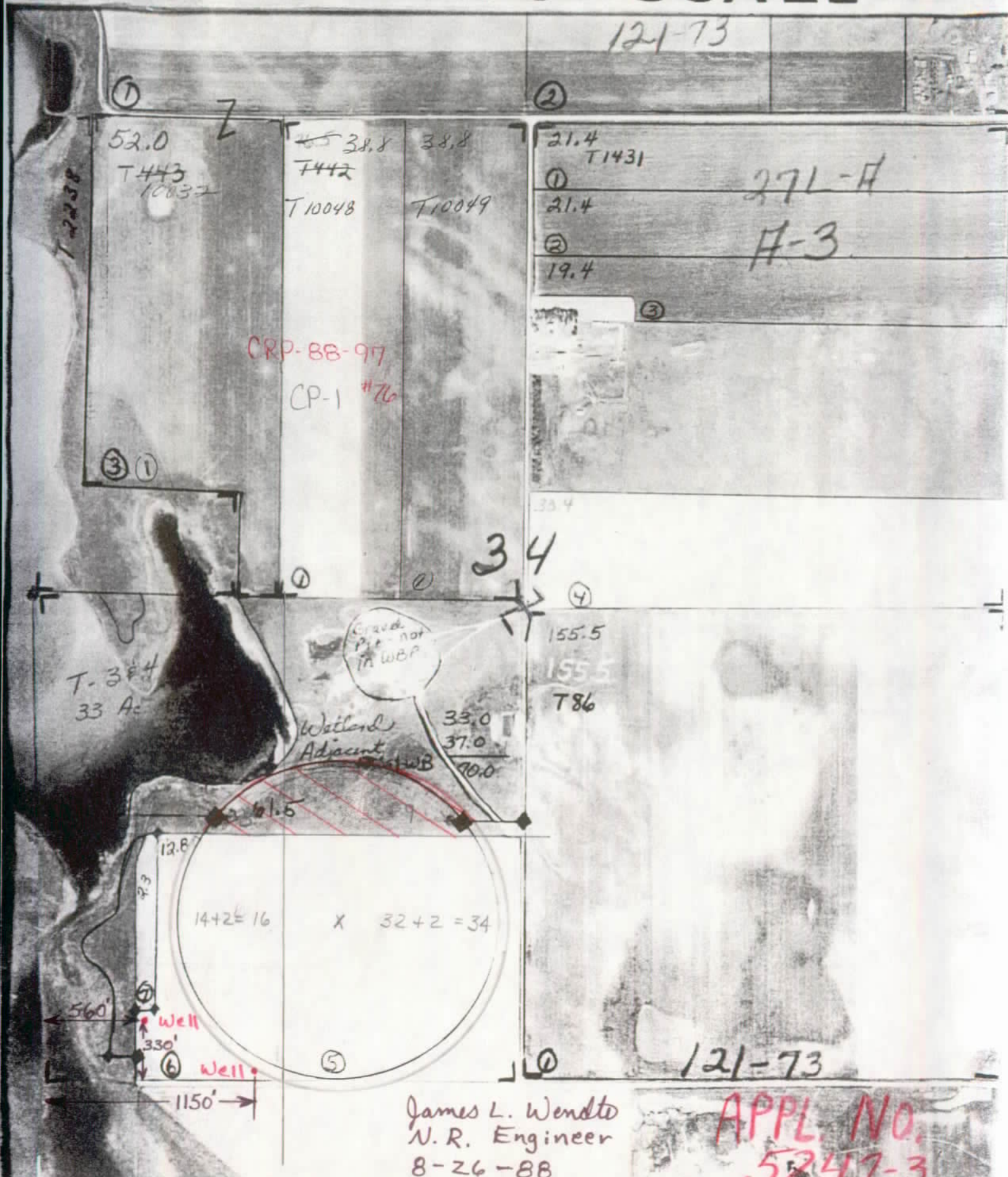
Storage \_\_\_\_\_ acre feet

Drainage area above dam \_\_\_\_\_



*Fred Horner*  
Signature of Applicant

# NOT TO SCALE



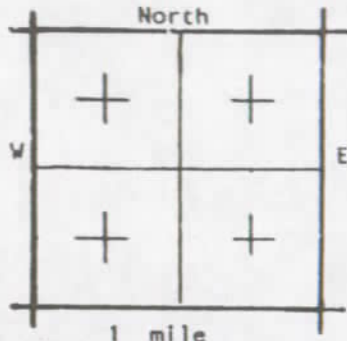
## 4-78

Name Fred Harner

Address Tolstoy

North

Mark location  
with an "X"



1 mile

County Edimundo

± SE ± Sec. 36 Twp. 14 Rg. 73

☐ Domestic    ☐ Municipal    ☐ Test  
Holes  
☒ Irrigation    ☐ Industrial    ☐ Stock

☐ Forward Rotary ☒ Bored ☐ Jetted  
☐ Reverse Rotary ☐ Cable ☐ Other

Diameter of Hole 2  
Depth 37  
Casing ☐ Steel ☐ Concrete  
☒ Plastic ☐ Other  
If other, specify \_\_\_\_\_

Was casing end left open  
Was a well screen installed

### Describe Well Screen

Diameter 16 Material  
Slot size

'Was well gravel packed

Was well grouted

Was water sample taken

Remarks:

Static water level \_\_\_\_\_ below land surface  
If flowing: closed in pressure \_\_\_\_\_ PSI  
rate of flow \_\_\_\_\_ GPM

☐ Valve ☐ Reducers ☐ Other

If other, specify

$\overline{I}$  Pumped

☐ Bailed

Describe:

☐ Other

### Pumping Level Below Land Surface

| ft. After | Hrs. pumped | GPM |
|-----------|-------------|-----|
| 10        | 1           | 100 |
| 10        | 2           | 100 |
| 10        | 3           | 100 |
| 10        | 4           | 100 |
| 10        | 5           | 100 |
| 10        | 6           | 100 |
| 10        | 7           | 100 |
| 10        | 8           | 100 |
| 10        | 9           | 100 |
| 10        | 10          | 100 |
| 10        | 11          | 100 |
| 10        | 12          | 100 |
| 10        | 13          | 100 |
| 10        | 14          | 100 |
| 10        | 15          | 100 |
| 10        | 16          | 100 |
| 10        | 17          | 100 |
| 10        | 18          | 100 |
| 10        | 19          | 100 |
| 10        | 20          | 100 |
| 10        | 21          | 100 |
| 10        | 22          | 100 |
| 10        | 23          | 100 |
| 10        | 24          | 100 |
| 10        | 25          | 100 |
| 10        | 26          | 100 |
| 10        | 27          | 100 |
| 10        | 28          | 100 |
| 10        | 29          | 100 |
| 10        | 30          | 100 |
| 10        | 31          | 100 |
| 10        | 32          | 100 |
| 10        | 33          | 100 |
| 10        | 34          | 100 |
| 10        | 35          | 100 |
| 10        | 36          | 100 |
| 10        | 37          | 100 |
| 10        | 38          | 100 |
| 10        | 39          | 100 |
| 10        | 40          | 100 |
| 10        | 41          | 100 |
| 10        | 42          | 100 |
| 10        | 43          | 100 |
| 10        | 44          | 100 |
| 10        | 45          | 100 |
| 10        | 46          | 100 |
| 10        | 47          | 100 |
| 10        | 48          | 100 |
| 10        | 49          | 100 |
| 10        | 50          | 100 |
| 10        | 51          | 100 |
| 10        | 52          | 100 |
| 10        | 53          | 100 |
| 10        | 54          | 100 |
| 10        | 55          | 100 |
| 10        | 56          | 100 |
| 10        | 57          | 100 |
| 10        | 58          | 100 |
| 10        | 59          | 100 |
| 10        | 60          | 100 |
| 10        | 61          | 100 |
| 10        | 62          | 100 |
| 10        | 63          | 100 |
| 10        | 64          | 100 |
| 10        | 65          | 100 |
| 10        | 66          | 100 |
| 10        | 67          | 100 |
| 10        | 68          | 100 |
| 10        | 69          | 100 |
| 10        | 70          | 100 |
| 10        | 71          | 100 |
| 10        | 72          | 100 |
| 10        | 73          | 100 |
| 10        | 74          | 100 |
| 10        | 75          | 100 |
| 10        | 76          | 100 |
| 10        | 77          | 100 |
| 10        | 78          | 100 |
| 10        | 79          | 100 |
| 10        | 80          | 100 |
| 10        | 81          | 100 |
| 10        | 82          | 100 |
| 10        | 83          | 100 |
| 10        | 84          | 100 |
| 10        | 85          | 100 |
| 10        | 86          | 100 |
| 10        | 87          | 100 |
| 10        | 88          | 100 |
| 10        | 89          | 100 |
| 10        | 90          | 100 |
| 10        | 91          | 100 |
| 10        | 92          | 100 |
| 10        | 93          | 100 |
| 10        | 94          | 100 |
| 10        | 95          | 100 |
| 10        | 96          | 100 |
| 10        | 97          | 100 |
| 10        | 98          | 100 |
| 10        | 99          | 100 |
| 10        | 100         | 100 |

| Net Area |    | Net Pumped |    |    |
|----------|----|------------|----|----|
| 11       | 11 | 11         | 11 | 11 |
| 11       | 11 | 11         | 11 | 11 |

Depth

[illegible]

(Use Back if Necessary)

Date Completed:

6-12-80

Driller:

Driller's or Firm's Name

License NO.

**Adites**

Signed By

Date \_\_\_\_\_

Edmonds

# NOTICE OF WELL CONSTRUCTION

## (1) WELL CONSTRUCTION

Location of well: 1/4 34 1/4 SW Section 34 Township 121 Range 73  
Well owner: Fred Harrier (Name) to story S.D. (Address)  
Date well drilling completed: 10-13-77 Purpose of well: domestic, irrigation, municipal, industrial, other

### WELL LOG

| Layers, top to top in feet          | Description of layer                       | Depth to top of water producing aquifer |
|-------------------------------------|--------------------------------------------|-----------------------------------------|
| <u>0-2</u>                          | <u>top Soil</u>                            | _____ ft                                |
| <u>2-7</u>                          | <u>yellow C. clay</u>                      | _____ ft                                |
| <u>7-26</u>                         | <u>Sand</u>                                | _____ ft                                |
| <u>26-28</u>                        | <u>B. Clay</u>                             | _____ ft                                |
| <u>28-51</u>                        | <u>Sand-Mixed-Blue Clay</u>                | _____ ft                                |
| <u>51-59</u>                        | <u>Dry Sand Heavy Blue Clay</u>            | _____ ft                                |
| <u>Bottom Casing</u>                | <u>53'</u>                                 | _____ ft                                |
| <u>1-5' stainless steel screen</u>  | <u>at Between 22+27'</u>                   | _____ ft                                |
| <u>1-10' stainless steel screen</u> | <u>1-5' "</u>                              | _____ ft                                |
| <u>2' off Bottom</u>                | <u>1-10' Johnson stainless steel 100st</u> | _____ ft                                |

Casing information in the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.  
15" Plastic Jetstream P.V.C.

Screen information in the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.  
1-10' Johnson stainless steel 100st  
1-5' " " " 100st

If a flowing well, flow of completed well \_\_\_\_\_ G.P.M.

Attach sheet if more space is needed

Dakota Drilling Co  
Home of Drilling Contractors

Daniel E. Baker

## (2) PUMP INSTALLATION

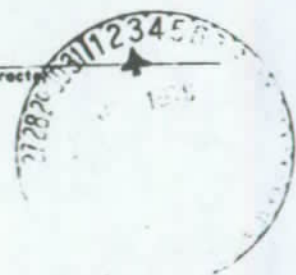
Company name and size of pump \_\_\_\_\_ HP  
Type of pump \_\_\_\_\_ Capacity of installed pump \_\_\_\_\_ G.P.M.  
Depth of pump placement \_\_\_\_\_ ft., Date of pump installation \_\_\_\_\_

## (3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed \_\_\_\_\_ ft., tube diameter \_\_\_\_\_, tube material \_\_\_\_\_.

\_\_\_\_\_  
Name of Pump Installation Contractor



Department of Agriculture  
WI#1  
5/87

SOIL/WATER COMPATIBILITY PERMIT  
Division of Conservation

Office Use Only

4304

WR#

OWNERS NAME: Fred Harner OWNERS ADDRESS: RR 3, Box 119

Tolstoy, SD 57475

COUNTY LAND LOCATED IN: Edmunds PHONE: 442-2538

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION: SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 34-121-73

Depth: \_\_\_\_\_

| Legal Description                                                              | Acres     | Legal Description | Acres |
|--------------------------------------------------------------------------------|-----------|-------------------|-------|
| <u>NW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math> Sec 34-T121-R73W</u>  | <u>3</u>  |                   |       |
| <u>NE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math> Sec 34-T121N-R73W</u> | <u>9</u>  |                   |       |
| <u>TOTAL =</u>                                                                 | <u>12</u> |                   |       |
|                                                                                |           |                   |       |

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

3. CROPS TO BE IRRIGATED: corn, beans

WATER QUALITY:

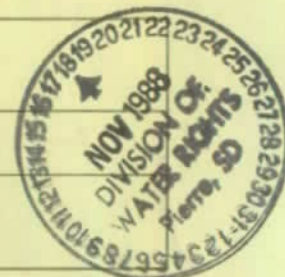
4. WATER SAMPLE NUMBER: 85-1023

7. ADJUSTED (SAR): 7.23

5. SALINITY (EC X 10<sup>6</sup>): 2450

8. PERCENT SODIUM: 25.02

6. SODIUM (SAR): 2.61



Requirements:

The areas mapped as Divide (Dv) and Bearden (Ba) are subject to seasonal water tables which may become perched under irrigation and inhibit the leaching of salts. To address this potential hazard, it may require enhancement of the internal drainage as determined necessary, i.e., tile drains.

Please be advised that we do not consider the 1985 Food Security Act when developing our recommendation. Please contact your local conservation district for information on this act.

[Signature]  
Director, Division of Conservation

11/10/88  
Date

☒ APPROVED ☒ REQUIREMENTS  
☐ DISAPPROVED  
☐ WAIVER

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

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411472

Pierre, October 31, 19 88

RECEIVED OF Fred Harner, Rt 1 Box 208, Tolstoy, SD 57475

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

|                                                                                                                              |       |        |
|------------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>5247-3</u> to Appropriate Water, to construct works and to put water to beneficial use | 150   | 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 | 150 00 |

By John Hatch  
Chief Engineer

JOHN HATCH ms

Water Rights Division - DWNR  
Conversation or File Documentation

File No. 5247-3

NAME OF PERSON OR FILE: Fred Harner

ADDRESS: RR 3, Box 119, Tolstoy COUNTY Edmunds

DATE: Dec 21, 1988 TELEPHONE \_\_\_\_\_

RE: Pumping capacity of each well for 4008-3

COMMENTS:

\_\_\_\_\_  
Contacted <sup>(Fred)</sup> Mr. Harner to determine the pumping capacity of the additional well (NW well). The capacity of the additional well is needed to complete Application No. 5247-3.

\_\_\_\_\_  
Mr. Harner indicated that the NW well had a 25 hp submersible pump with 3 phase motor. The Model No. is 7S3L-4 with a minimum capacity of 225 gpm. The water level in the well during pumping is 8 feet from surface at 75 psi at well and 65 psi at discharge.

\_\_\_\_\_  
Information on the SE well regarding the Model No. was not available. Draw down during pumping is 16 feet from surface with 5 hp submersible. Mr. Harner thought Virgil Worm may have additional information.

\_\_\_\_\_  
Contacted Virgil Worm on 12/22/88. Mr. Worm could not recall the capacity of the NW well and did not believe he could locate any information. Mr. Worm suggested completing a pump test.

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: Don Duwall

Water Rights Division - DWNR  
Conversation or File Documentation

File No. 5247-3

NAME OF PERSON OR FILE: Fred Harner

ADDRESS: RR 3, Box 119, Tolstoy COUNTY Edmunds

DATE: Dec 27, 1988 TELEPHONE \_\_\_\_\_

RE: Amount of water claimed for Application No. 5247-3

COMMENTS:

Fred Harner and Virgil Worm (well driller) did not know and could not locate any information regarding the pumping capacity of the NW well in 34-121N-73W.

Mr. Harner did locate some information regarding the minimum capacity of the 25hp submersible pump - Model 753L-4. The minimum capacity is 225 gpm.

Since no additional information is available, the pumping capacity of the NW well is assumed to be the minimum of 225 gpm for purposes<sup>of</sup> Application No. 5247-3.

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.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 5247-3, Fred Harner

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. 5247-3, Fred Harner, RR 3, Box 119, Tolstoy SD.

The Chief Engineer is recommending APPROVAL of Application No. 5247-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Portions of the land authorized for irrigation under Permit No. 5247-3 are also covered under Water Permit No. 4008-3. Combinations of diversion under the two permits may not exceed the Statutory limit of 1.0 cfs for each 70 acres of land to be irrigated.

See the attached report for additional information.

  
JOHN HATCH, Chief Engineer  
January 6, 1989

## REPORT ON APPLICATION NO. 5247-3

Fred Harner  
January 5, 1989

Application No. 5247-3, Fred Harner, proposes to appropriate an additional 0.50 cubic feet of water per second (cfs) from one additional well to irrigate 50 acres authorized by Water Permit No. 4008-3 in the S1/2 SW1/4 plus an additional 12 acres in the N1/2 SW1/4; all in Section 34, T121N, R73W. The existing well authorized by Permit No. 4008-3 is also used to irrigate the 12 additional acres. The combined diversions of Permit No. 4008-3 and this application, if approved, is not to exceed 0.78 cfs for irrigation of 62 acres.

### Aquifer - Bowdle

The Bowdle Aquifer consists of glacial outwash deposits which are composed of sand and gravel. The aquifer covers over 20,000 surface acres in Walworth, Potter, and Edmunds Counties and contains 60,000 acre-feet of water in storage (Kume, etal, 1987). Observation Well PT-81B (Water Rights, 1989) is located about 1.5 miles southeast of the diversion point location for this permit application. Water level records for this observation well reflect normal drawdown and recharge patterns.

### Review of Existing Water Rights

There are 21 existing irrigation permits from the Bowdle Aquifer. These permits have a combined appropriation of 9,004 acre-feet. Reported pumpage in 1987 amounted to 1,034 acre-feet of water (Water Rights, 1987). There is approximately one mile between the applied for diversion point and the closest irrigation well. This application is a result of differences between the original permit (No. 4008-3) and the actual development. This permit is developed and has been used.

### Conclusions

1. Water is available from the Bowdle Aquifer.
2. This application is a result of the normal inspection procedure. During the inspection, it was determined that there was an additional diversion point and 12 irrigated acres not described on the original permit. The combined diversions from Permit No. 4008-3 and this application, if approved, is not to exceed 0.78 cfs which is the combined pumping capacity of the two wells.

3. Water levels in the aquifer reflect normal drawdown and recharge patterns.
4. The two wells and irrigated acreage has been developed and irrigated in recent years.

*James L. Wendte*

James L. Wendte  
Natural Resources Engineer

Bibliography

- Kume, J., Howells, L., 1987, Water Resources of Walworth County, South Dakota, Water-Resources Investigations Report 85-4015, for U.S. Dept. of the Interior - Geological Survey, Oahe Conservancy Sub-District, Walworth County, DWNR, SDGS, Vermillion, SD, 57069.
- Water Rights Division, 1987, Irrigation Report by Aquifer, DWNR, Division of Water Rights, Joe Foss Bldg., Pierre, SD, 57501.
- Water Rights Division, 1989, Observation Well File PT-81B, DWNR, Division of Water Rights, Joe Foss Bldg., Pierre, SD, 57501.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

AUG 5 1992

5360-3

Fred Harner  
RR 1, Box 208  
Tolstoy, SD 57475

Dear Mr. Harner:

Enclosed is Water License No. 5360-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412892 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. 5360-3, 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

NOTE: The applicable portions of Water Permit Nos. 4008-3 and 5247-3 are incorporated into Water License No. 5360-3.



# Department of Water & Natural Resources

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

January 20, 1989

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

Fred Harner  
RR3 Box 119  
Tolstoy, SD 57475

Dear Mr. Harner

Your Application No. 5247-3 permit to appropriate water for irrigation has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water has been sent to the Publishers of the Bowdle Pioneer and Hoven Review printed at Bowdle and Hoven SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. 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 publishers have 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



**SOUTH Dakota** Department of  
**Water & Natural Resources**

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

January 20, 1989

Hoven Review  
Box 37  
Hoven, SD 57450

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5247-3 to be published twice. Please publish the first notice on or before February 2, 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 Fred Harner, RR 3, Box 119, Tolstoy, SD 57475.

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



 **Department of  
Water & Natural Resources**

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

January 20, 1989

Bowdle Pioneer  
Box 368  
Bowdle, SD 57428

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5247-3 to be published twice. Please publish the first notice on or before February 2, 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 Fred Harner, RR3, Box 119, Tolstoy, SD 57475.

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 February 2, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

---

NOTICE OF HEARING on Application No. 5247-3 to Appropriate Water

Notice is given that Fred Harner, RR3, Box 119, Tolstoy, SD 57475, has filed an application for a water permit for one additional well to irrigate 50 acres authorized by Water Permit No. 4008-3 in the S 1/2 SW 1/4 plus an additional 12 acres in the N 1/2 SW 1/4; all in Section 34-T121N-R73W. The existing well authorized by Permit No. 4008-3 is also used to irrigate the 12 additional acres. This application appropriates 0.50 cubic feet of water per second (CFS) from the additional well (Bowdle Aquifer) 59 feet deep with both wells located in the SW 1/4 SW 1/4 Section 34-T121N-R73W. The combined diversions of Permit No. 4008-3 and this application, if approved, may not exceed 0.78 cfs for irrigation of 62 acres.

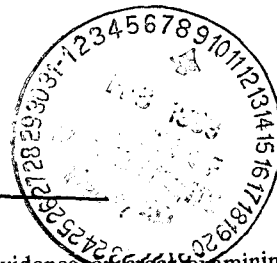
Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends approval of Application No. 5247-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board at the Howard Johnson's, Roosevelt Room, 1-90 at LaCrosse, Rapid City SD on March 1, 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 February 17, 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 February 17, 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; 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. 5247-3



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Edmunds ) ss.



**NOTICE OF HEARING  
ON APPLICATION NO. 5247-3  
TO APPROPRIATE WATER**

NOTICE IS GIVEN THAT Fred Harner, RR 3, Box 119, Tolstoy, SD 57475, has filed an application for a water permit for one additional well to irrigate 50 acres authorized by Water Permit No. 4008-3 in the S $\frac{1}{2}$ SW $\frac{1}{4}$  plus an additional 12 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$ ; all in Section 34-T121N-R73W. The existing well authorized by Permit No. 4008-3 is also used to irrigate the 12 additional acres. This application appropriates 0.50 cubic feet of water per second (CFS) from the additional well (Bowdle Aquifer) 59 feet deep with both wells located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 34-T121N-R73W. The combined diversions of Permit No. 4008-3 and this application, if approved, may not exceed 0.78 CFS for irrigation of 62 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends approval of Application No. 5247-3 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 the Howard Johnson's, Roosevelt Room, 1-90 at La-Crosse, Rapid City, SD on March 1, 1989 at 10:00 a.m. 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 present-

ing evidence of cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 17, 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 February 17, 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; 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.

Published: 2/2/89 & 2/9/89

I, Lawrence Gauer

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

Water was taken from the Bowdle Pioneer

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

City of Bowdle

County of Edmunds and State of South Da  
that the said notice was published in said newspaper on the follo  
two dates:

Thursday, February 2, 1989

Thursday, February 9, 1989

Lawrence Gauer

(Signature)

Publisher

(Title)

February 9, 1989

(Date Signed)

Cost of Printing: 36.98

First Publication 100% 20.54

Second Publication 80% 16.44



# Department of Water & Natural Resources

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

JUN 13 1989

Fred Harner  
RR 3, Box 119  
Tolstoy SD 57475

Dear Mr. Harner:

Enclosed is Water Permit No. 5247-3 as approved by the Water Management Board authorizing your water diversion system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

