

Considered: _____

WATER PERMIT NO. 5404A-3

Phone: 605 627-5497

Name of Applicant: Marvin Rentsch

Post Office Address: RR 1, Bruce SD 57220

Amount of Water Claimed: no add'l Total Acres: no add'l (6 AC)

Source of Water Supply: groundwater

Water to be used for: irrigation County: Brookings

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 5-28-92 Fee: \$50 Remarks Change acreage

on Water Permit No. 5404A-3

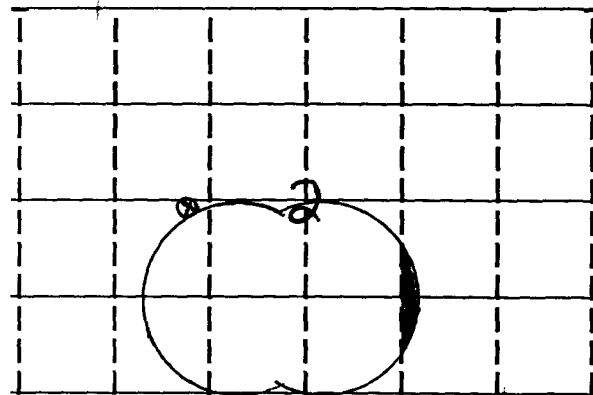
Corrected Application Received _____ Period of Annual Use April 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED 6-19-92 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NW 1/4 SW 1/4 Sec 2-T111N-R51W

Land to be Irrigated: E 1/2 SE 1/4 Sec 2-T111N-R51W



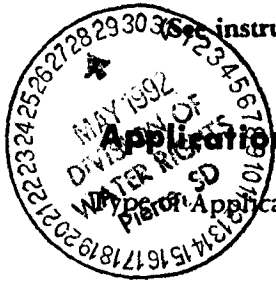
Well Log: Driller: Pullman Well Drilling Licensed YES X NO _____

Depth of Well: 33' REMARKS _____

Type of Map: aerial PREPARED BY: Mark Rath Reviewed and the Number

Assigned on 6-22-92 By Karen Schlaak

MR



No. 5404A-3 Hydrologic Unit 10170202
Basin Big Sioux River
Newspaper Volga Tribune, Box 8, Volga

(See instructions)

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

- Application: ☐ New ☐ Vested Right ☐ Amend Permit No. 5404-3
☒ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant MARVIN RENTSCH Phone No. 605-627-5497
 Post Office Address RR 1 BRUCE State SD 57220
 (Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) No Add'l Total acres irrigated 194
 3. Source of Water supply GROUNDWATER - 1 WELL
 4. Location of point of diversion NW 1/4 SW 1/4 SECTION 2 T11N-R51W
 _____ County BROOKINGS
 5. Counties where water will be used BROOKINGS
 6. Annual period during which water is to be used Apr 1 - Oct 31
 7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>NE 1/4 SE 1/4 S2-T11N-R51W</u>	<u>3 ac</u>
<u>SE 1/4 SE 1/4 " "</u>	<u>3 ac</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____
 (Specify)
 9. Crops to be Irrigated: CORN, BEANS, HAY, WHEAT, OATS
 10. Give a description of proposed project. (Attach sheet if more space is needed)

TO INCLUDE 6 ADDITIONAL ACRES OUTSIDE OF ACREAGE PERMITTED BY NO. 5404.3

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 Brookings)^{ss}

I, Marvin Rentsch, 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 Marvin Rentsch

Subscribed and sworn to before me this 25th day of June 1992

Sotary Public

SOUTH DAKOTA
WATER PERMIT No. 5404A-3 FOR IRRIGATION

Date of first receipt of application May 28, 1992.

Date Soil/Water Compatibility Permit received June 19, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5404A-3 to Marvin Rentsch, RR 2, Box 34, Bruce SD 57220 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. 5404A-3 specifies the correct location of the irrigated acreage. Water Permit No. 5404-3 appropriates 2.23 cubic feet of water per second (cfs) from one well (Big Sioux Brookings Aquifer) 45 feet deep located in the NW 1/4 SW 1/4 Section 2 to irrigate 210 acres located in the SW 1/4, W 1/2 SE 1/4 Section 2; all in T111N-R51W. An inspection of Permit No. 5404-3 found 1 well constructed and supplying 2.00 cfs to irrigate 194 acres. This permit corrects the location of 6 of the 194 acres being irrigated. the correction of the 6 acres is the E 1/2 SE 1/4 Section 2-T111N-R51W. No increase in diversion rate or number of acres being irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually 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 January 22, 1990.
4. The date of approval of Permit No. 5404A-3 is August 11, 1992.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

John Hatch
John Hatch, Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

NOV 23 1992

_____ date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 28 Depth 40'
- b) Casing Type PVC Diameter 16" Thickness 1/2
- c) Screen Type Stainless Diameter 16" Thickness 3/8
- d) Gravel Pack Thickness 6" Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material 20'
- f) Depth of Water (ground surface to water level) ?
- g) Distance to nearest existing domestic well:
 On applicants property _____ On property owned by others 2000'

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) Outlet Dimensions:
 Pipe diameter _____

Spillway width _____

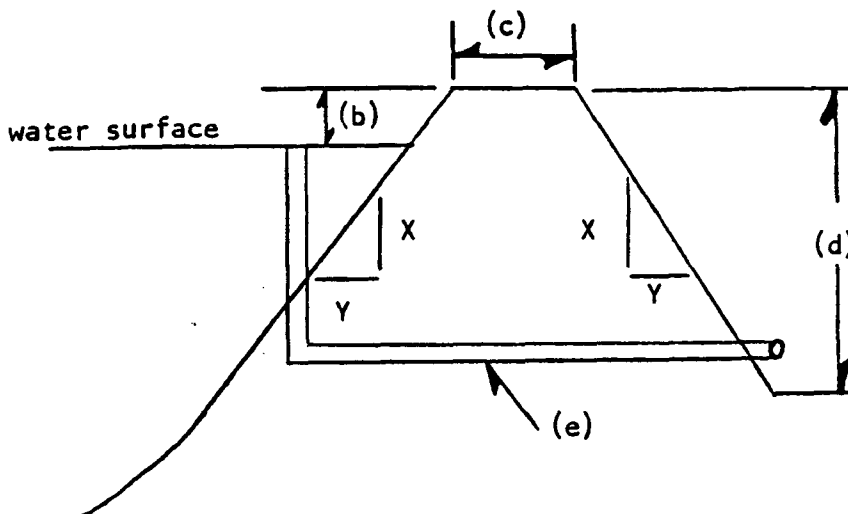
f) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

Conversation or File Documentation

NAME OF PERSON OR FILE: Marvin RentschADDRESS: RR 1 Bruce SD COUNTY BGDATE: 3/16 TELEPHONE 627-5497

RE: _____

COMMENTS:

Mr. Rentsch was contacted as to whether the pivot irrigates any portion of sect 11 or the north half of section 2. Mr. Rentsch stated the pivot ~~is~~ folds back and that those areas mentioned above are not irrigated as part of this permit. The land description is in error the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ should be SW $\frac{1}{4}$ SE $\frac{1}{4}$

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: Eric Henderson



May 1, 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Mr. Marvin Rentsch
RR 1
Bruce, SD 57220

Dear Mr. Rentsch:

This letter is written in regard to the water permit inspection that I made of your irrigation project on April 14, 1992. During the inspection I found that the irrigation system authorized by Water Permit No. 5404-3 irrigates some land outside of the permitted acreage. Because of this you will need to apply to have these acres included under a water permit.

I have enclosed some partially completed application forms along with an instruction sheet. You should carefully review, complete, sign before a Notary Public and return the forms to this office along with a \$50 fee. I have contacted Jim Stukel with the Department of Agriculture, he said that they would be able to use the same water sample from Permit No. 5404-3 for the new Soil/Water Compatibility Permit.

If you have any questions, feel free to contact me.

Sincerely,

Mark D. Rath
Natural Resources Engineer
Division of Water Rights
(605) 773-3352

enclosure

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413229

Pierre, May 28, 1992

RECEIVED OF Marvin Rentsch, RR 2 Box 34, Bruce, SD 57220

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

Fee for Application for Permit No. <u>5404A-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

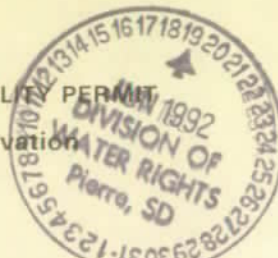
By

Chief Engineer

John Hatch

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation



Office Use Only

4715

WR#

OWNERS NAME: RENTSCH, MARVIN

OWNERS ADDRESS: RR 1

BRUCE SD 57220

COUNTY LAND LOCATED IN: BROOKINGS PHONE: 627-3497

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION NW 1/4 SW 1/4 2-T111N-R51W

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 SW 1/4 2-T111N-R51W</u>	<u>3</u>		
<u>SE 1/4 SW 1/4 2-T111N-R51W</u>	<u>3</u>		

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

3. CROPS TO BE IRRIGATED: CORN, BEANS, HAY, WHEAT, OATS

WATER QUALITY:

4. WATER SAMPLE NUMBER: 90-0015

7. ADJUSTED (SAR): 0.61

5. SALINITY (EC X 10⁶): 650

8. PERCENT SODIUM: 6.92

6. SODIUM (SAR): 0.25

Requirements:

The area mapped as Volga soils are somewhat poorly drained and shall remain in permanent vegetation; i.e., grass, or alfalfa.

Russell L. Stone
Director, Division of Conservation

JUNE 18, 1992

Date

XXX APPROVED
____ DISAPPROVED
____ WAIVER

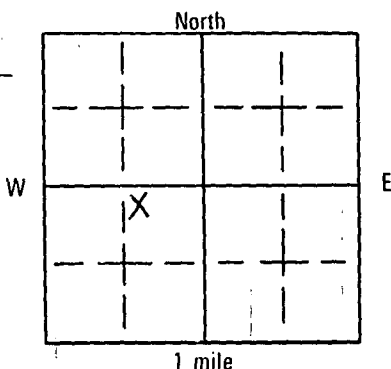
XXX REQUIREMENTS

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

5404

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NE 1/4 SW 1/4 Sec 2 Twp 11N Rg 51WCounty Brookings

Please mark well location with an "X"

Well Completion Date 4-16-90

PROPOSED USE:

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

Method of Drilling:

Reverse

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>1 1/2</u> IN	<u>0</u> FT	<u>33</u> FT	<u>2 1/2</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 20 FEETWhat is grouting material? CementIf cement, number of sacks? 55Describe grouting procedure line

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 1 1/2 IN Length 12 FEETMaterial StainlessSlot Size 0.57 Set From 33 Feet To 45 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? Gravel PackedWas well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Marvin FentschAddress Bruce, S.D. 57220

Well Log:

Depth

Formation

From

To

Top Soil	0	5
Medium Sand	5	20
Medium-Coarse Sand	20	40
Coarse Sand	40	45

TD 45'STATIC WATER LEVEL 18 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped900 gpm☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

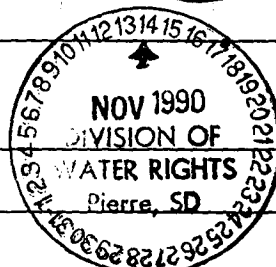
And this report is true and accurate.

Drilling firm Fullman Well Drilling

Signature of License Representative:

R.E. Ruhl

Signature of Well Owner:

Date 11-12-90

Report on Application No. 5404A-3
Marvin Rentsch
July 1, 1992

Application No. 5404A-3, Marvin Rentsch, proposes to correct the location of the irrigated acreage authorized by Water Permit No. 5404-3. Water Permit No. 5404-3, priority of January 22, 1990, authorized the construction of one well into the Big Sioux Brookings Aquifer located in the NW1/4 SW1/4 of Section 2 T111N-R51W, with a diversion rate of 2.23 cubic feet of water per second (cfs). The permit also authorized the irrigation of 210 acres located in the SW1/4 and W1/2 SE1/4 of Section 2.

An inspection of Water Permit No. 5404-3 on April 14, 1992 found one well constructed in the authorized location and capable supplying 2.00 (cfs). The inspection also determined that the irrigation system was capable of irrigating 194 acres with 6 acres located outside of the permitted location. This application is to correct the location of these 6 irrigated acres. The correct legal location of the 6 acres is in the E1/2 SE1/4 of Section 2 T111N-R51W. No increase in the diversion rate nor in the number of acres being irrigated is requested by this application. The irrigation project is located approximately 1.5 miles southwest of Bruce, SD in Brookings County. If this application is approved the water license for this project will be issued with a diversion rate of 2.00 cfs for the irrigation of 194 acres.

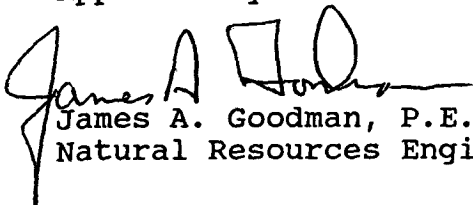
Conclusions

1. Application No. 5404-3 requests a correction in the legal location of 6 irrigated acres authorized by Water Permit No. 5404-3.
2. If this application is approved, a water license for this project will be issued with a diversion rate of 2.00 cfs for irrigating 194 acres.



Mark D. Rath
Natural Resources Engineer II

Approved by:



James A. Goodman, P.E.
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5404A-3, Marvin Rentsch

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5404a-3, Marvin Rentsch, RR 1, Bruce, SD 57220.

The Chief Engineer is recommending APPROVAL of Application No. 5404A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
July 2, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

July 6, 1992

Marvin Rentsch
RR 1
Bruce, SD 57220

Dear Mr. Rentsch:

Water Permit Application No. 5404A-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 Volga Tribune printed at Volga, SD (Ph # 627-9471). 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 Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 6, 1992

Volga Tribune
Box 8
Volga, SD 57071

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5404A-3 to be published twice. Please publish the first notice on July 15, 1992, 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 Marvin Rentsch, RR 1, Bruce, SD 57220 (Ph # 627-5497).

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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 July 15, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5404A-3 to Appropriate Water
and to Amend Water Permit No. 5404-3

Notice is given that Marvin Rentsch, RR 1, Bruce, SD 57220 has filed an application for a water permit to specify the correct location of the irrigated acreage. Water Permit No. 5404-3 appropriates 2.23 cubic feet of water per second (cfs) from one well (Big Sioux Brookings Aquifer) 45 feet deep located in the NW 1/4 SW 1/4 Section 2 to irrigate 210 acres located in the SW 1/4, W 1/2 SE 1/4 Section 2; all in T111N-R51W. An inspection of Permit No. 5404-3 found 1 well constructed and supplying 2.00 cfs to irrigate 194 acres. This application is to correct the location of 6 of the 194 acres being irrigated. The correction of the 6 acres is the E 1/2 SE 1/4 Section 2-T111N-R51W. No increase in diversion rate or number of acres being irrigated is requested by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5404A-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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 3, 1992. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5404A-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 11, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the August 11, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The August 11, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by August 3, 1992.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Affidavit of Publication

STATE OF SOUTH DAKOTA,

SS.

County of Brookings

Christopher J. Schumacher, being first duly sworn, on oath says that he is the publisher of the Volga Tribune, a weekly newspaper published in Volga, said County of Brookings, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-one successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Notice of Hearing

Application # 5404A-3

_____, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least once in each week for _____ successive weeks, on the day of each week on which said newspaper was regularly published to wit:

July 15, 19 92; _____, 19 _____

July 22, 19 92; _____, 19 _____

_____, 19 _____; _____, 19 _____

_____, 19 _____; _____, 19 _____

_____, 19 _____; _____, 19 _____

that the full amount of the fees for the publication of the annexed notice is \$ 79.24

C. J. Schumacher

Subscribed and sworn to before me this 24

day of July, 19 92.

Mary A. Bierke

Notary Public

County of Brookings, South Dakota

V 2x 7-15, 22

NOTICE OF HEARING

on Application No. 5404A-3 to
Appropriate Water and to Amend
Water Permit No. 5404-3

Notice is given that Marvin Rentsch, RR1, Bruce, SD 57220 has filed an application for a water permit to specify the correct location of the irrigated acreage. Water Permit No. 5404-3 appropriates 2.23 cubic feet of water per second (cfs) from one well (Big Sioux Brookings Aquifer) 45 feet deep located in the NW 1/4 SW 1/4 Section 2 to irrigate 210 acres located in the SW 1/4, W 1/2 SE 1/4 Section 2; all in T111N R51W. An inspection of Permit No. 5404-3 found 1 well constructed and supplying 2.00 cfs to irrigate 194 acres. This application is to correct the location of 6 of the 194 acres being irrigated. The correction of

the 6 acres is the E 1/2 SE 1/4 Section 2-T111N R51W. No increase in diversion rate or number of acres being irrigated is requested by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5404A-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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 3, 1992. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5404-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 11, 1992, at 9 a.m. in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the August 11, 1992, hearing date will be rescheduled for a regularly scheduled board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The



August 11, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by August 3, 1992.

If a hearing is held, 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

continued on page 6/

continued.

based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

1x T 7-22



NOV 23 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Marvin Rentsch
RR 2 Box 34
Bruce, SD 57220

Dear Mr. Rentsch:

Enclosed is Water Permit No. 5404A-3 authorizing your water diversion system and beneficial use of the water, 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1993

SECOND NOTICE

PERMIT NO: 5404A-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Marvin Rentsch
RR 2, Box 34
Bruce, SD 57220

Dear Mr. Rentsch:

On November 23, 1992, you were notified the final inspection fee of \$50.00 is due before Water License No. 5404A-3 can be issued. As of this date, the fee has not been received.

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

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

5404A-3

4a. Article Number

P 906 560 245

4b. Service Type

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

7. Date of Delivery

275-93

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

Marvin Rentsch
RR 2, Box 34
Bruce, SD 57220

5. Signature (Addressee)

Marvin Rentsch

6. Signature (Agent)

Robert Thompson

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

RECEIPT

413841

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, February 18, 19 93

RECEIVED OF Marvin Rentsch, RR 2 Box 34, Bruce, SD 57220

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5404A-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By *John H. H. H. H.*
Chief Engineer

Permit No. 5404-3

BIG SIOUX Water District

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

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

I have this day made a thorough examination of the water use system constructed by MARVIN RENTSCH of RRL, BRUCE SD holder of Permit No. 5404-3, bearing the priority of JANUARY 22, 1990 authorizing the diversion of 2.23 cu. ft. per second of the waters of GROUNDWATER for IRRIGATION purposes, in BROOKINGS County.

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

A. Works used to divert the water:

A 10 in. WESTERN LAND ROLLER PUMP WITH A 900 gpm. CAPACITY

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

2300 ft. OF 8 in. PVC

C. Works used to apply water to beneficial use:

A 1294 ft. VALLEY TOWABLE CENTER PIVOT WITH END GUN

The system is in the following condition GOOD. The point of diversion is located FROM THE SW CORNER OF SECTION 2 T111N-R51W; 2580 ft. NORTH AND 1300 ft. EAST. The works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water which is to be used for IRRIGATION. Water has been put to beneficial use to the maximum extent as follows:

ALL LAND LOCATED IN SECTION 2 T111N-R51W:

NW1/4 SW1/4 - 19 ac NE1/4 SW1/4 - 40 ac SE1/4 SW1/4 - 40 ac SW1/4 SW1/4 - 19 ac

NW1/4 SE1/4 - 35 ac NE1/4 SE1/4 - 3 ac SE1/4 SE1/4 - 3 ac SW1/4 SE1/4 - 35 ac

comprising a total of 194 acres of land and the license should be issued for 2.00 cfs.

Applicable permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: NONE

Date 4/14/1992



Mark D. Rath
Natural Resources Engineer II
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 5404-3

DATE 4/14/1992

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: FROM THE SW CORNER OF SECTION 2 T111N-R51W; 2580 ft. NORTH AND 1300 ft. EAST

WELL INFORMATION: Well Drilling Firm PULLMAN WELL DRILLING

No. of Wells 1 Depth(s) 45 ft.

- a) Casing: 1) diameter 16 inches 2) length 33 feet
3) type PVC
- b) Screen: 1) type STAINLESS STEEL
2) length 12 feet
- c) Pump: 1) make WESTERN LAND ROLLER
2) model
3) size 10 inches
4) capacity 900 GPM
5) turbine pump - No. of stages
6) operating pressure 35 PSI
- d) Static Water Level 18 feet
- e) Motor:
1) make CUMMINGS
2) model No. DIESEL
3) horsepower rating 79 hp

DISTRIBUTION LINES OR CANALS:

- a) type PVC b) size 8 inches c) length 2300 feet

SYSTEM TYPE:

- a) Sideroll:
1) length feet
2) diameter of pipe inches
3) sprinkler spacing feet
- b) Towline:
1) length feet
2) sprinkler spacing feet
- c) Siphons:
1) size inches
2) number
- d) Gated pipe:
1) length feet
2) diameter inches
3) spacing of gates inches
- e) Center pivot:
1) make VALLEY TOWABLE
2) overall length 1294 feet
3) number of towers 7
4) distance between towers feet
5) end gun Y (Y/N)
6) high or low pressure HIGH
7) capacity 900 GPM
- f) Gun:
1) make
2) nozzle size inches
3) capacity GPM
4) hose size inches
5) hose length feet

CHEMIGATION EQUIPMENT:

a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

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

NOT TO SCALE

112-51



Mark D Rath

Mark D Rath
Natural Resources Engineer
Division of Water Rights
Date 4/29/1992

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5404A-3

(1) Marvin Rentsch, of RR #2 Box 34, Bruce, SD 57220 made Application No. 5404A-3, May 28, 1992 for a water permit to appropriate no additional cubic feet of water per second from groundwater, Brookings County, South Dakota for irrigation purposes. Permit No. 5404A-3, with a priority date of January 22, 1990 (established under Water Permit No. 5404-3) was approved August 11, 1992 and issued to the applicant 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. 5404A-3 specified the correct location of irrigated acreage. No. 5404A-3 did not authorize an increase in the diversion rate or number of acres irrigated. The applicable portions of Water Permit No. 5404-3 have been incorporated into this Water License No. 5404A-3. A January 22, 1990 priority date 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 2.00 cubic feet of water per second for beneficial use. The location of the diversion point is 2580 feet north and 1300 feet east of the SW corner of Section 2, T111N, R51W (NW 1/4 SW 1/4).

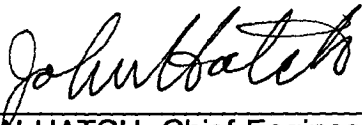
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T111N, R51W	Section 2	NW 1/4 SW 1/4	19 acres
		NE 1/4 SW 1/4	40 acres
		SE 1/4 SW 1/4	40 acres
		SW 1/4 SW 1/4	19 acres
		NW 1/4 SE 1/4	35 acres
		NE 1/4 SE 1/4	3 acres
		SE 1/4 SE 1/4	3 acres
		SW 1/4 SE 1/4	35 acres
		Total	194 acres

Page 2

Water License No. 5404A-3

(4) Pursuant to South Dakota Water Law 46-5-30.1 Marvin Rentsch of RR #2 Box 34, Bruce, SD 57220 the holder and/or owner of Water Permit No. 5404A-3 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from groundwater (one well) with a priority date of January 22, 1990 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5404A-3 and subject to South Dakota State Law.



MAR 12 1993

JOHN HATCH, Chief Engineer

Water Rights Division

Department of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 12 1993

5404A-3

Marvin Rentsch
RR 2, Box 34
Bruce, SD 57220

Dear Mr. Rentsch:

Enclosed is Water License No. 5404A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413641 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. 5404A-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 No. 5404-3 have been incorporated into this Water License No. 5404A-3.