

Considered: _____

WATER PERMIT NO. 5452-3

HAP No. same 883-4161

Name of Applicant Wernerstruck, Inc.

Post Office Address RR2, Box 92B Wolsey, SD 57384

Amount of Water Claimed no add'l (^{2.2 cfs auth. by} Water Permit No. 4149-3) Total Acres 160

Source of Water Supply groundwater - 1 well

Water to be used for irrigation County Beadle

About 7 miles SW 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 50⁰⁰ Remarks This appl.

moves 160 ac from SE¹/₄ to SW¹/₄, Sect. 22, T110N, R65W (See # 4149-3)

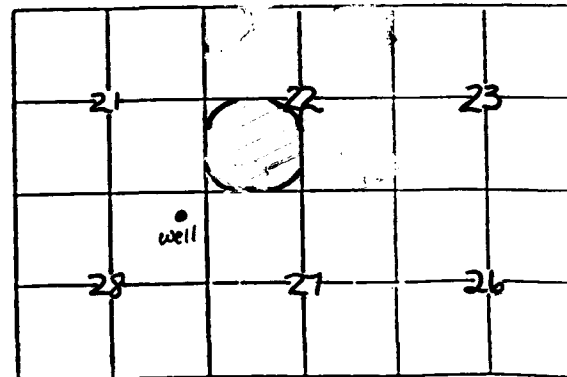
Corrected Application Received _____ Period of Annual Use Apr 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED 5/21/90 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS _____

Diversion Point NE¹/₄ NE¹/₄ Sect. 28, T110N, R65W

Land to be Irrigated SW¹/₄ Sect. 22, T110N, R65W

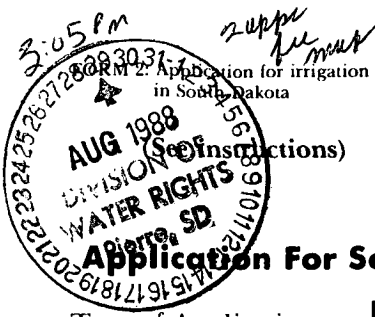


Well Log: Driller Russell Drilling Licensed YES X NO _____

Depth of Well 102' REMARKS _____

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

assigned on 5/29/90 By Eric Lund



No. 5452-3 Hydrologic Unit 16160006
Basin James River
Newspaper Daily Plainsman 49 3rd St SE 57350
Huron daily

Mail to: Water Rights Div.
DWNRR, 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. 4149-3

1. Name of Applicant Wernerstruck, Inc. Phone No. 883-4161
Post Office Address RR 2, Box 92 B Wolsey, South Dakota State 57384
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) No Add'l Total acres irrigated 160
3. Source of Water supply groundwater (one well)
4. Location of point of diversion NE 1/4 Section 22-T110N-R65W
County Beadle
5. Counties where water will be used Beadle
6. Annual period during which water is to be used April 1 thru 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.	Land Description	No. Acres Irr.
NW 1/4 SW 1/4 Section 22 T110 R65	40		
NE 1/4 SW 1/4 Section 22 T110 R65	40		
SW 1/4 SW 1/4 Section 22 T110 R65	40		
SE 1/4 SW 1/4 Section 22 T110 R65	40		

Attach sheet if more space is needed

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

This application proposes to move 160 acres to the SW 1/4 of Section 22-T110-R65 from the SE 1/4 of Section 22-T110-R65 as described on Permit No. 4149-3

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. Volcik 9/27/88
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5452-3 FOR IRRIGATION**

Date of first receipt of application August 29, 1988.

Date Soil/Water Compatibility Permit received May 21, 1990.

The Water Management Board approved Water Permit Application No. 5452-3 on October 3, 1990 for Wernerstruck, Inc., RR 2, Box 92B, Wolsey, South Dakota 57384 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. 5452-3 specifies the correct location of the irrigated acreage and the existing well. Water Permit No. 4149-3 appropriated 2.2 cubic feet of water per second (cfs) from one well, 102 feet deep, to be located in the NW1/4 NE1/4 Section 28 to irrigate 160 acres in the SE1/4 Section 22; all in T110N-R65W. An inspection of Permit No. 4149-3 found one well constructed and supplying 2.2 cfs to irrigate approximately 136 acres. The existing well 85 feet deep, and the irrigated acreage were not located within the area described on Permit No. 4149-3. The correct location of the existing well is the NE1/4 NE1/4 Section 28 and the irrigated acreage is located in the SW1/4 Section 22; all in T110N-R65W. This Permit does not authorize any increase in the acreage irrigated or water appropriated by Water Permit No. 4149-3.
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 September 15, 1977.
4. 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
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

DEC 19 1990

(date)

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

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

I have this day made a thorough examination of the water use system constructed by Wernerstruck IncRR #2 Box 92BWolsey, SD 57384 holder ofPermit No. 4149-3/5452-3, bearing the priority of September 15 1977 authorizingthe diversion of 2.2/no add'l cu. ft. per second of the waters of groundwater - 1 wellfor irrigation purposes, in Beadle County.

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

A. Works used to divert the water:

one 85' deep well; 16" steel casing, Stainless Steel screen, Aurora Vertiline pump,

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

8" PVC distribution lines

C. Works used to apply water to beneficial use:

Valley Center Pivot, 9 towers; Nelson 200 end gun (high pressure)
1000 gpm capacityThe system is in the following condition goodThe point of diversion is located 760'S & 670'W of the NE corner of Section 28, T110N, R65WThe works are capable of diverting and conveying to the place of use 2.2 cfscu. 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: _____

T110N, R65W Section 22 - NW $\frac{1}{4}$ SW $\frac{1}{4}$ 34 acresNE $\frac{1}{4}$ SW $\frac{1}{4}$ 34 "SW $\frac{1}{4}$ SW $\frac{1}{4}$ 34 "SE $\frac{1}{4}$ SW $\frac{1}{4}$ 34 "comprising a total of 136 acres of land and the license should be issued for 1.94 cfsApplicable permit qualifications have been complied with xx Yes No

Exceptions to compliance are: _____ Date _____

Inspection conducted by Jim Wendte, July 6, 1988

Jim Wendte
(signature)

Struck
6-30-88

LICENSE FOR PERMIT NUMBER 4149-3

1. Legal location of wells: 28-110-65 (NE 1/4 NE 1/4)

dams & structures: _____

2. Well Information: Well Drilling Firm Empire (Test Hole) ^{N.D. Firm} Production ^{Drilled} Well

No. of wells 1 Depth ~~85~~ 85'

Casing a) diameter ~~16~~ 16" Screen a) type S.S.
b) length — b) length 15'
c) type Steel Static Water Level —

Pump a) make Aurora Vertiline Motor a) make U.S. Electrical
b) model No Tag b) ^{I.D.} ~~model~~ no. C9981-00-10-4-74
c) size — c) horsepower rating 100
d) capacity 1000 GPM d) motor efficiency rating —
e) turbine pump no. of stages —

3. Distribution lines:

a) size of lines 8"
b) type PVC
c) length —

4. Dam information:

a) height to crest —
b) height to spillway —
c) crest width —
d) crest length —
e) spillway length —
f) spillway width —
g) approx. storage —
h) Distribution lines or canals:
1) size —
2) type —
3) length —

i) Outlet tubes:

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

5. System Type: a) sideroll:

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

b) towline:

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

5. System Type: c) center pivot

- 1) make Valley
2) number of towers 9
3) distance between towers _____
4) overall length 1280+
5) End gun (YN) Nelson 200
6) high or low pressure _____
7) make & size of nozzles _____
8) PSI reading while system is running 70
9) GPM 1000

g) Gun

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

d) Gate Pipe

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

e) Siphons

- 1) number _____
2) size _____

f) Portable boom

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

h) Hydromatic

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

YES

NO

Check Items

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

REMARKS:

#18106775

147
acres

NOT TO SCALE



NOT TO SCALE

②

110-65

T-1521

153.4

4

147.8

378-115-L

①

Paul Kuusimäki

22

②

4

157.0

111.0

2520

34

34

34

34

②

①

110-65

12.4

③

Water Right
5452-3

Beane

Beane

Beane

Beane

Beane

Beane

Beane

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Beane

Beane

Beane



Department of Water & Natural Resources

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

August 16, 1988

Duane Struck
RR 2 Box 92B
Wolsey, SD 57384

Dear Mr. Struck:

Enclosed are the three water permit applications which we discussed on Aug. 10, 1988. These applications should clear up the discrepancies which we have discovered during the inspection and licensing process. Both copies of each application should be signed and notarized. I have also enclosed the maps for your review. The combined fee for these three permits is \$575.00.

In addition to returning the applications, you will be required to submit a water sample for the irrigation well located in the NW1/4 NW1/4 of Sec. 28, T110N, R65W. The water sample is needed for the soil/water compatibility portion on one of the applications. The enclosed instruction sheet explains the procedure recommended for collecting the sample. I suggest that you describe the well location very completely and accurately on the label since there are two other wells also located on this section of land. All of the other wells pertaining to these applications already have validated water samples.

After you have returned the applications, fees and maps to our office and submitted the water sample to the water quality laboratory in Brookings, we can then continue with the process of licensing your remaining water permits. Thanks for your cooperation in this matter. If you have any questions, please contact us.

Sincerely,

James L. Wendte

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

enc



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411379

Pierre, August 30, 1988, 19

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>5452-3</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 John Hatch

Chief Engineer

JOHN HATCH (ms)

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4053

WR#

OWNERS NAME: WEENERSTRUCK, INC. OWNERS ADDRESS: RR2, Box 92B
Wolsey, SD 57348

COUNTY LAND LOCATED IN: Beadle PHONE: 883-4161

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION NE 1/4 NE 1/4 28-T110N-R65W

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>SW 1/4 22-T110N-R65W</u>	<u>160</u>		

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

3. CROPS TO BE IRRIGATED: Corn, Soybeans, Small Grain

WATER QUALITY:

4. WATER SAMPLE NUMBER: 83-0462 7. ADJUSTED (SAR): 6.10 (4.27)
5. SALINITY (EC X 10⁶): 1050 8. PERCENT SODIUM: 42.54
6. SODIUM (SAR): 2.62

Requirements:

(SEE ATTACHMENT)



[Signature]
Director, Division of Conservation

May 18, 1990
Date

XXX APPROVED
____ DISAPPROVED
____ WAIVER

XXX REQUIREMENTS

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

WERNERSTRUCK, INC.
Rural Route 2 Box 92B
Wolsey, South Dakota 57384
Phone (605) 883-4161

February 26, 1990

RE: SOIL ANALYSIS

James L. Stukel
Department of Agriculture
Division of Conservation
Anderson Bldg. 445 East Capitol
Pierre, SD 57501-3188



Dear Jim:

I received your letter of January 18 regarding the soil analysis on SW1/4 of Section 22-T110N-R65W. Understanding that a possible sodium problem may develop, due to the type of soils found in the quarter and the water being used for irrigation, the following management practices will be implemented to reduce salt accumulation and enhance drainage.

First, a crop consultant has been hired to monitor the soil moisture and help schedule irrigation to ensure that over watering will be held to a minimum, and still enable a possible yield of 160 bushels of per acre.

Also, a residue program will be implemented in which all straw, stover, and stubble will be incorporated into the soil profile to maintain and improve existing drainage. This along with deep tillage (i.e. ripper or straight point chisel) will ensure no hard pans.

In addition, soil tests will be pulled to a depth of two feet after every cropping season to monitor sodium levels. Should a problem begin to develop, then the necessary amendments shall be applied as recommended. Should a drainage system be required, then the economics shall be taken into consideration and the necessary steps will be considered.

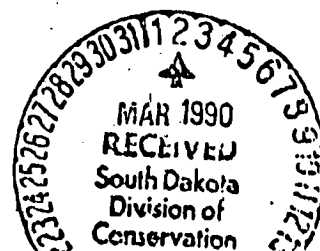
Lastly, a "two and one" crop rotation program shall be enlisted to help alleviate any additional salt accumulations by planting a crop every third year in which the water requirements of that crop will be less than 160 bu/A corn, such as soybeans or small grain, depending upon market prices.

Enclosed find a cropping and management history of said land.

If you have any other questions, please notify me. Thank you for your help.

Sincerely,

Duane Struck
Duane Struck



Report on
Water Permit Application No. 5452-3
Wernerstruck, Inc.
June 25, 1990

Application No. 5452-3, Wernerstruck, Inc., proposes to specify the correct locations of irrigated acres and an existing well. Water Permit No. 4149-3, priority date of September 15, 1977, appropriated 2.2 cubic feet of water per second from one well, 102 feet deep, to be located in the NE1/4 NE1/4 section 28 T110N, R65W. The well was to irrigate 160 acres of land in the SE1/4 section 22 T110N R65W. An inspection of Permit No. 4149-3 found one well, 85 feet deep, constructed and supplying 2.22 cfs to irrigated approximately 136 acres. The existing well and the irrigated acreage are not located within the area described on Permit No. 4149-3. The correct location of the existing well is the NE1/4 NE1/4 section 28 and the irrigated acreage is located in the SW1/4 section 22; all in T110N R65W. Application No. 5452-3 does not authorize any increase in the acreage irrigated or in the amount of water appropriated by Water Permit No. 4149-3.

AQUIFER - Bad Cheyenne Aquifer (BC)

The Bad Cheyenne aquifer consists of buried sand and gravel outwash supposedly following the ancient Bad River Cheyenne River channels. The aquifer functions as an artesian system. The aquifer has an estimated 879,000 acre feet of recoverable water and underlies approximately 157,900 acres in Beadle, Hand, Hyde and Jerauld counties.

Presently there are 7 irrigation permits from the Bad Cheyenne aquifer. These permits have appropriated 4,846 acre feet of water and in 1989 reported pumping 758 acre feet.

The Division of Water Rights monitors four observation wells in the Bad Cheyenne aquifer. The wells have shown fluctuation in response to the irrigation pumping with maximum fluctuations of 18 feet in well BD76F. BD76F is approximately two miles northwest of the application. Observation well BD76G is approximately one mile southeast of the application and has a maximum fluctuation of 14 feet for the period of record.

COMMENTS

Irrigation questionnaire reports indicate that Mr. Struck has irrigated the requested lands since at least 1982 with no complaints being registered with Water Rights. With the system being in operation for at least 8 years there should be no adverse affects by approving this application.

CONCLUSIONS

1. The application is asking to correct the location of lands being irrigated and the location of the well. Since there is no additional water being appropriated there should be no adverse affect on existing permits.
2. The system has been operated for at least eight years with no adverse affects to the aquifer.
3. The water is being withdrawn from the Bad Cheyenne Aquifer.



GALE N. SELKEN P.E.
Natural Resources Engineer

REFERENCES

- Division of Water Rights, 1990, Observation Well Files, DWNR,
Division of Water Rights, Joe Foss Building, Pierre SD
- Division of Water Rights, 1979 through 1989, Irrigation Report by
Aquifer, DWNR, Division of Water Rights, Joe Foss Building,
Pierre SD
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., 1982
Evaluation of Groundwater Resources in Eastern South Dakota
and Upper Big Sioux River, South Dakota and Iowa, U.S. Army
Corps of Engineers Contract No. DACW 45-80-CO185, DWNR,
Office of Geological Survey, Vermillion, SD

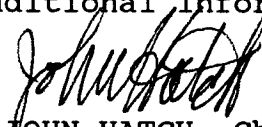
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5452-3, Wernerstruck, Inc.

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. 5452-3, Wernerstruck, Inc., RR #2 Box 92B, Wolsey SD

The Chief Engineer is recommending APPROVAL of Application No. 5452-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) 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 17, 1990



Department of Water & Natural Resources

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

August 22, 1990

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

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

Dear Mr. Struck:

Water Permit Application No. 5452-3 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 are also 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 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,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
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

August 22, 1990

Daily Plainsman
49 3rd St SE
Huron, SD 57350

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5452-3 to be published twice. Please publish the first notice on or before August 30, 1990 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 57384.

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,

Eric Gronlund

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 or before August 30, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5452-3 to Correct the Location
of an existing well and the irrigated acreage

Notice is given that Wernerstruck, Inc., RR #2 Box 92B, Wolsey, SD 57384 has filed an application for a water permit to specify the correct locations of the irrigated acreage and the existing well. Water Permit No. 4149-3 appropriated 2.2 cubic feet of water per second (cfs) from one well, 102 feet deep, to be located in the NW1/4 NE1/4 Section 28 to irrigate 160 acres in the SE1/4 Section 22; all in T110N-R65W. An inspection of Permit No. 4149-3 found one well constructed and supplying 2.22 cfs to irrigate approximately 136 acres. The existing well, 85 feet deep, and the irrigated acreage are not located within the area described on Permit No. 4149-3. The correct location of the existing well is the NE1/4 NE1/4, Section 28 and the irrigated acreage is located in the SW1/4 Section 22; all in T110N-R65W. This application does not authorize any increase in acreage irrigated or water appropriated by Water Permit No. 4149-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5452-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in the Community Room, Brule Co. Courthouse, 300 S. Courtland, Chamberlain, SD on October 3, 1990 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 September 21, 1990. 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 September 21, 1990.

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.

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA)
) ss.
 County Beadle)

I, Mary B. Walz

certify that the attached printed Notice 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 of Huron

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

August 30, 1990

September 6, 1990

 (Signature)

Business Manager

(Title)

September 6, 1990

(Date Signed)

F.P. 8-30-90 L.P. 9-6-90

NOTICE OF HEARING
on Application No. 5452-3
to Correct the Location
of an existing well
and the irrigated acreage

Notice is given that Werners-truck, Inc., RR No. 2 Box 92B, Wolsey, SD 57384 has filed an application for a water permit to specify the correct locations of the irrigated acreage and the existing well. Water Permit No. 4149-3 appropriated 2.2 cubic feet of water per second (cfs) from one well, 103 feet deep, to be located in the NW 1/4 NE 1/4 Section 28 to irrigate 160 acres in the SE 1/4 Section 22; all in T110N-R65W. An inspection of Permit No. 4149-3 found one well constructed and supplying 2.22 cfs to irrigate approximately 136 acres. The existing well, 85 feet deep, and the irrigated acreage are not located within the area described on Permit No. 4149-3. The correct location of the existing well is the NE 1/4 NE 1/4, Section 28 and the irrigated acreage is located in the SW 1/4 Section 22; all in T110N-R65W. This application does not authorize any increase in acreage irrigated or water apportioned by Water Permit No. 4149-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5452-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in the Community Room, Brule Co. Courthouse, 300 S. Courtland, Chamberlain, SD on October 3, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) 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 September 21, 1990. 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 September 21, 1990.

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. 449 (adv.)

Cost of Printing: 92.40



Department of Water & Natural Resources

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

DEC 19 1990

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

Dear Mr. Struck:

Enclosed is Water Permit No. 5452-3 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,

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

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

enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412560

Pierre, February 28, 1991

RECEIVED OF Duane Struck, 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>Water Permit No. 5452-3</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

Chief Engineer

John H. Hale

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5452-3

(1) Wernerstruck, Inc. of RR 2, Box 92B, Wolsey, SD 57384 made Application No. 5452-3, August 29, 1988 for a water permit to appropriate no additional cubic feet of water per second from groundwater (one well), Beadle County, South Dakota for irrigation purposes. Permit No. 5452-3 with a priority date of September 15, 1977 was approved October 3, 1990 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. 5452-3 specifies the correct location of irrigated acreage and the existing well originally permitted under No. 4149-3.

The applicable portions of Water Permit No. 4149-3 are incorporated into this Water License No. 5452-3.

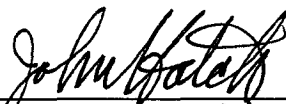
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.94 cubic feet of water per second for beneficial use. The location of the diversion point is: 760'S and 670'W of the NE corner of Section 28, T110N, R65W (NE 1/4 NE 1/4).

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

T110N, R65W Section 22	NW 1/4 SW 1/4	34
	NE 1/4 SW 1/4	34
	SW 1/4 SW 1/4	34
	SE 1/4 SW 1/4	34
	Total -----	136 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. 5452-3 is issued a license to appropriate water, the right to use 1.94 cubic feet of water per second from groundwater (one well) with a priority date of September 15, 1977 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. 5452-3 and subject to South Dakota State Law.



MAY 27 1991

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

MAY 27 1991

5452-3

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

Dear Sirs:

Enclosed is Water License No. 5452-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412560 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. 5452-3, 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. 4149-3 are incorporated into this Water License No. 5452-3.



January 26, 2007

NOTICE

5452-3
**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.



5452-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

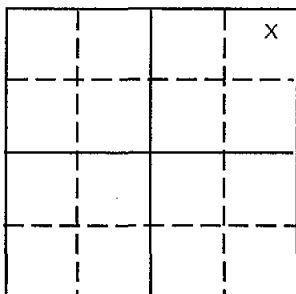
11-02

Location NE 1/4 NE 1/4 Sec 28 Twp 110 Rg 65

County

Beadle

North



Please mark well location with an "X"

Well Completion Date

7/19/2012

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? _____ ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
	16.00	0.0	74.0	25.00
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Vol Clay	49	Lb/gal	0.0 Ft	74.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure _____

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 15.0 FeetMaterial PVCSlot Size 0.057 Set From 74.0 Feet to 89.0 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? PeaRock

Describe packer(s) and location

74-89'

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Pellets
☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: David StruckBusiness Name: Werner Struck Inc.Address: 38597 206th StCity, State, Zip: Wolsey SD 57384

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Clay w/ Rocks	0	21
Yellow Gravel	21	23
Yellow Clay	23	27
Blue Clay	27	44
Gravel & Rocks	44	49
Blue Clay	49	53
Blue Clay 7 Rocks	53	61
Gravel & Rocks	61	89
Shale	89	

STATIC WATER LEVEL

FEET

If flowing: closed in pressure _____

PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: _____
☐ Bailed
☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

MAR - 4 2013

WATER RIGHTS PROGRAM

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc.

Signature of License Representative:

Ken Palmer

Signature of Well Owner or Equitable Property Holder:

Date: _____