

Considered: _____

WATER PERMIT NO. 5482-3

Phone: 432-6371

Name of Applicant: Wiese Brothers Farm

Post Office Address: RR# 1, Twin Brooks, SD 57269

Amount of Water Claimed: No add'l Total Acres: No Add'l

Source of Water Supply: Well

Water to be used for: irrigation County: Grant

About 1 miles North of Twin Brooks

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 11/21/90 Fee: \$50 Remarks Additional

diversion point

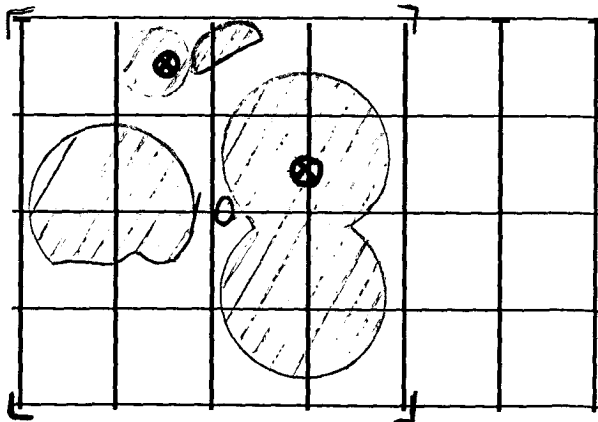
Corrected Application Received _____ Period of Annual Use April 1 - Oct. 31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NE1/4 NW1/4 Section 10 T120N-R50W

Land to be Irrigated: portions of Section 10 T120N
R50W



Well Log: Driller: North Star Licensed YES X NO _____

Depth of Well: 280' REMARKS _____

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

Assigned on _____ By _____

MR
69

(See instructions)

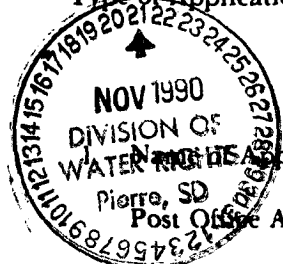
No. 5482-3 Hydrologic Unit 07020001
Basin Minnesota - Whetstone
Newspaper Grant Co. Review, Box 390, Milbank,

SD
(Wed)

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 _____



- Applicant Wiese Brothers Farms (Russell Wiese) Phone No. 432-6371
Post Office Address RR #1 Twin Brooks State SD Zip Code 57269
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s.) No ADD'L Total acres irrigated 376ac SEE PERMITS 3561-3 4706-3 4715-3
3. Source of Water supply WELL
4. Location of point of diversion ADDITIONAL POINT OF DIVERSION FROM NE CORNER OF
SECTION 10-T120N-R50W 3300' WEST & 550' SOUTH
NE 1/4 NW 1/4 County GRANT
5. Counties where water will be used GRANT
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.
CHANGE TO ACREAGE	
FOURTH QUARTER WP 4406-3	
NE 1/4 NW 1/4 10-120-50	<u>89c</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, SOYBEANS, ALFALFA, SMALL GRAINS, SUN FLOWERS.
10. Give a description of proposed project. (Attach sheet if more space is needed)
TO ADD AN ADDITIONAL DIVERSION POINT
FOR THE ADDITIONAL WELL
HAS THE PRIORITY IDENTIFIED ON 4715-3.

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 GRANT)^{ss}

I, Russell Wiese, 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 Russell Wiese

Subscribed and sworn to before me this 19th day of November, 1990

Edlyn Nelson
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5482-3 FOR IRRIGATION

Date of first receipt of application November 21, 1990.

Date Soil/Water Compatibility Permit received December 24, 1990.

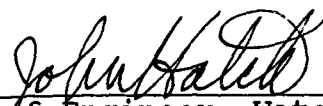
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5482-3 to Wiese Brothers, RR 1, Twin Brooks SD 57269 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5482-3 adds one well 275 feet deep located in the NE 1/4 NW 1/4 Section 10-T120N-R50W to irrigate lands (Veblen Aquifer) authorized by Water Permit Nos. 3561-3, 4406-3 and 4715-3. Water Permit Nos. 3561-3, 4406-3 and 4715-3, combined, appropriate 4.71 cubic feet of water per second from one well located in the SW 1/4 NE 1/4 Section 10-T120N-R50W to irrigate 445 acres. An inspection of these permits found 375 irrigated acres developed in the E 1/2, NE 1/4 NW 1/4, S 1/2 NW 1/4, N 1/2 SW 1/4 Section 10-T120N-R50W being irrigated by two developed wells. This application does not authorize any increase in the developed diversion rate or acres irrigated.
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 April 2, 1981.
4. The date of approval of Permit No. 5482-3 is May 1, 1991.
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.
3. Permit No. 5482-3 is subject to prior rights established by the City of Milbank under future use withdrawal permits if and when the City develops the reserved water supply.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

SEP 17 1991

(date)

WELL DRILLERS REPORT
Division of Water Rights
Department of Water & Natural Resources

AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERSISTENT MICROGRAPHY.
REDUCTIONS, REDUCTION 25%
ROLL NO. 7

Water Level Information:
 Static water level 105' below land surface
 If flowing: closed in pressure _____ PSI
 rate of flow _____ GPM
 Controlled by:
☒ Valve ☐ Reducers ☐ Other
 If other; specify _____

Well Test Data:

☒ Pumped

☒ Bailed Describe: will be done

☒ Other by customer

Pumping Level Below Land Surface

ft.	After	Hrs. pumped	GPM
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

[illegible]

Method of Drilling: ☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Diameter of Hole 12"
Depth 250'
Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify _____

Was casing end left open NO
Was a well screen installed YES
Describe Well Screen
Diameter 8" Material Stainless Steel
Slot size #670
Was well gravel packed YES
Was well grouted NO
Was water sample taken NO

Date Completed: 6-1-81

Driller: North Star Drilling 424
Driller's or Firm's Name License NO.
P.O. Box 355 - Little Falls MD. 56245
Address
Tom Colthard 6-15-81
Signed By Date

HURON DRILLING INC. DRILLERS LOG

PAGE NO.

Jt. No.	DEPTH	TIME	REMARKS
	0-10	0-2	Black Topsoil
		2-16	Yellow clay
	10-20	16-28	Blue clay
	20-37	28-36	Yellow dark medium sand and gravel
		36-48	Fine brown sand
	30-40		
	40-50	48-50	Blue clay traces, some medium sand good
	50-60	50-67	Good sand, gravel rocks
	60-70	67-70	Blue clay
	70-80	70-80	Blue clay
	80-90	80-90	Blue clay
	90-100	90-100	Rocky blue clay
	100-110	100-110	Rocky, blue clay
	110-120	110-120	Blue clay
	120-130	120-130	Blue clay
	130-140	130-140	Blue clay
	140-150	140-150	Blue clay
	150-160	150-160	Blue clay
	160-170	165-174	Blast Blue clay
	170-180	170-180	Blue clay
	180-190	180-190	Blue clay
	190-200	190-200	Blue clay
	200-210	200-218	Blue clay
	210-220	212-219	Sand and gravel
		219-224	Blue clay
	220-230	224-230	Medium sand and clay trace
	230-240	230-242	Medium sand, coal trace
	240-250	242-260	Coarse sand, coal trace
	250-260	250-260	Coarse sand
	260-270	260-277	Coarse sand and gravel, rocks
	270-277	270-277	Coarse gravel and rocks
	277-280	277-280	Shale and rocks
	280-291	280-291	Shale



Twin Brooks, So. Dak.
WELL REPORT
 N.E.-Sec. 10-Township 120
 Range 50-Grant County

HURON
 DRILLING CO.
 Huron, S. D.

May 18, 1979
 DATE

Russell Wiese

OWNER

DESCRIPTION

CASING LOG

Depth 278 ft.

Flows gpm

Pumps gpm

Head ft.

30 Ft. Johnson Stainless Steel
 Screen 135 Slot

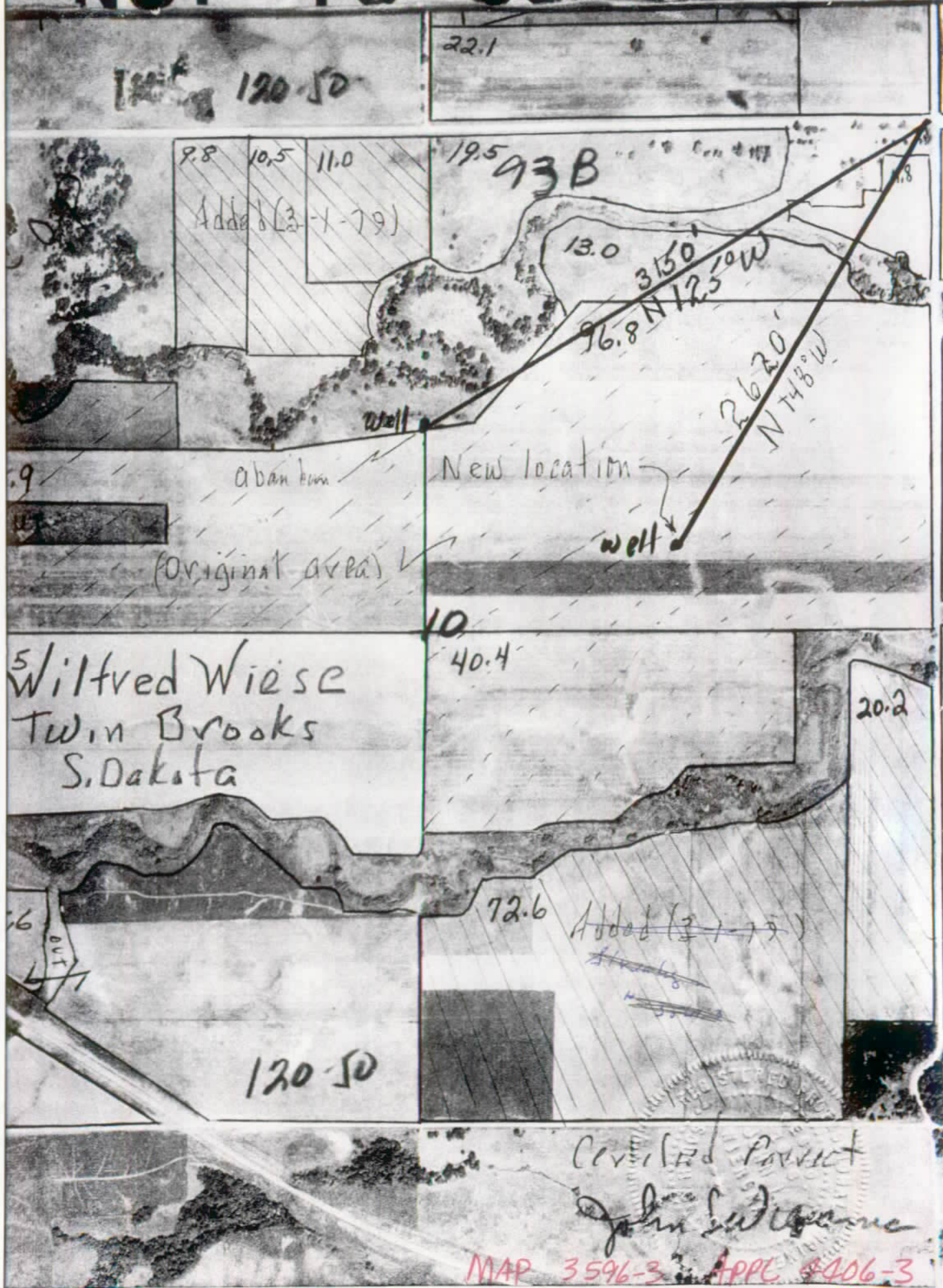
248 ft. 16" PVC Plastic pipe to 248 ft.
 .500 Wall
 30 ft. 16" Stainless pipe to 278 ft.
 Steel Screen
 ft. 135 Slot pipe to ft.
 pipe to ft.

Pressure

218-248 Ft.

REMARKS

NOT TO SCALE

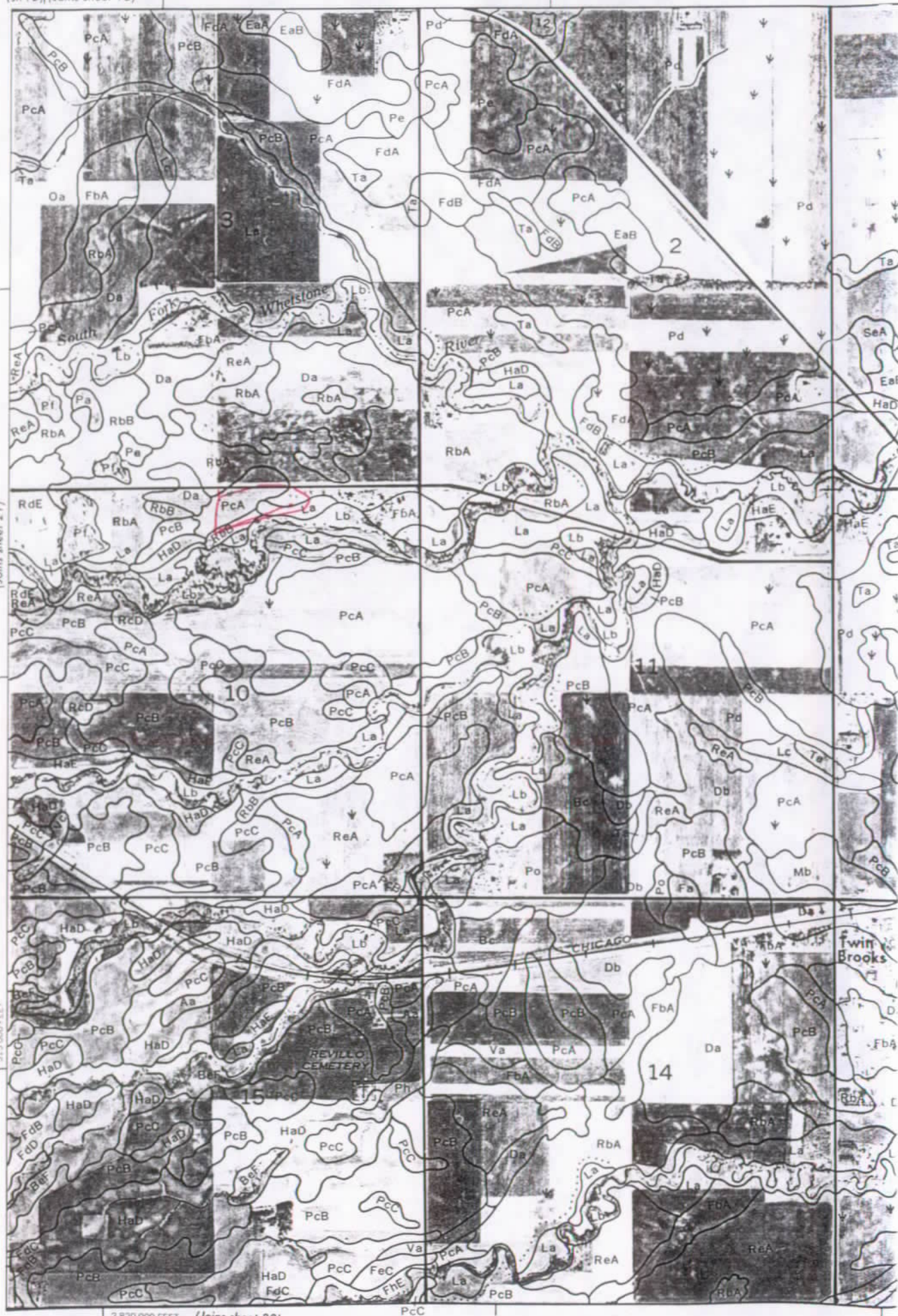


22

(sh 12) (Joins sheet 13)



(Joins sheet 21)



2 820 000 FEET (Joins sheet 30)

PcC

Twin Brooks

CHICAGO

14

REVILLO CEMETERY

15

11

10

2

3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412435

Pierre, November 21, 19 90

RECEIVED OF Wiese Bros. Farms, RR #1 Box 10, Twin Brookk, SD 57269

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

Fee for Application for Permit No. <u>5422-3</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 (ms)
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation



Office Use Only
4550
WR#

OWNERS NAME: WIESE BROTHERS FARMS OWNERS ADDRESS: RURAL ROUTE 1
TWIN BROOKS, SD 57269

COUNTY LAND LOCATED IN: GRANT PHONE: 432-6371

LEGAL DESCRIPTION: ☒ Well ☐ Surface
1. LOCATION: ADDITIONAL POINT OF DIVERSION FROM NE CORNER OF 10-T120N-R50W
Depth: (3300' West & 550' South)

Legal Description	Acres	Legal Description	Acres
<u>S$\frac{1}{2}$ NW$\frac{1}{4}$ 10-T120N-R50W</u>	<u>80</u>	<u>N$\frac{1}{2}$ SW$\frac{1}{4}$ 10-T120N-R50W</u>	<u>60</u>
<u>S$\frac{1}{2}$ NE$\frac{1}{4}$ 10-T120N-R50W</u>	<u>80</u>	<u>N$\frac{1}{2}$ NW$\frac{1}{4}$ 10-T120N-R50W</u>	<u>42</u>
<u>N$\frac{1}{2}$ SE$\frac{1}{4}$ 10-T120N-R50W</u>	<u>80</u>	<u>S$\frac{1}{2}$ SE$\frac{1}{4}$ 10-T120N-R50W</u>	<u>73</u>
<u>N$\frac{1}{2}$ NE$\frac{1}{4}$ 10-T120N-R50W</u>	<u>30</u>		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XXX GUN: _____ OTHER: _____ (Specify) _____
3. CROPS TO BE IRRIGATED: Corn, Soybeans, Alfalfa, Small Grains, Sunflowers.

WATER QUALITY:

4. WATER SAMPLE NUMBER: <u>86-0890</u>	7. ADJUSTED (SAR): <u>6.92</u>
5. SALINITY (EC X 10 ⁶): <u>1450</u>	8. PERCENT SODIUM: <u>34.27</u>
6. SODIUM (SAR): <u>2.63</u>	

Requirements:

The drainageways mapped Lodelle silt loam channeled (Lb) shall remain in permanent vegetation.

The areas mapped Hattie clay loam (HaD), 9-15% slope, are subject to erosion, due to steep slopes. These areas shall not be irrigated and shall remain in permanent vegetation.

That all requirements placed on Permit #2817-GT, 2394-GT, 2372-GT & 1395-GT, remain in affect.

[Signature]
Director, Division of Conservation

XXX APPROVED
____ DISAPPROVED
____ WAIVER

XXX REQUIREMENTS

December 6, 1990
Date

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



Department of Water & Natural Resources

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

November 5, 1990

Russell Wiese
Wiese Brothers Farms
RR 1
Twin Brooks, SD 57269

Dear Mr. Wiese:

This is in regards to the inspection I made on April 19, 1990 of your irrigation system covered under Water Permit Nos. 3561-3, 4406-3, and 4715-3. At that time I found the irrigation system was not developed as specified in the permits, there is one additional well and a change in the location of some acreages. Because of this an application for a new permit to correct this must be applied for.

Enclosed is an instruction sheet and a partially completed application. You should carefully review, complete, sign before a Notary Public and return the application to this office along with \$50 fee. I spoke with the Division of Conservation, they are not requiring you to have a new water sample tested for soil/water compatibility.

If you have any questions feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Rath".

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

enclosure

Report on Water Permit Application No. 5482-3
Wiese Brothers Farms
December 28, 1990

Application No. 5482-3, Wiese Brothers Farms, proposes to add an additional diversion point for irrigation covered under Water Permit Nos. 3561-3, 4406-3 and 4715-3. There is to be no additional water claimed beyond the 4.71 cubic feet of water per second (cfs) already appropriated. The diversion point is located in the NE1/4 NW1/4 of Section 10-T120N-R50W. The acreage irrigated is located in Section 10.

Water Source VEBLEN (VEB) AQUIFER

The proposed diversion point would be from a completed well which has been drilled to a depth of 275 feet into the Veblen Aquifer. The Veblen is a buried outwash (sand and gravel) and is under artesian conditions. The well is located within 2500 feet of a Veblen Aquifer well covered under Water Permit Nos. 3561-3, 4406-3 and 4715-3.

Observation Well Nos. GT-77K and GT-79D which are located approximately 1.5 miles from the proposed diversion point are drilled into the Veblen Aquifer. Water level records from these observation wells indicate fairly constant readings with some yearly fluctuations.

Review of Existing Water Rights

This proposed diversion is located within the City of Milbank's future use area which has a senior priority date to the applicant's water permits. Water Permit Nos. 3561-3 and 4406-3 were approved subject to this priority date if or when the City of Milbank develops the reserved water supply.

There is one municipal well located approximately 1 1/2 miles southeast of the proposed diversion point. The applicant maintains an irrigation well approximately 1/2 mile from the proposed diversion point. These wells have been operated concurrently for several years without any reported interference.

Conclusions

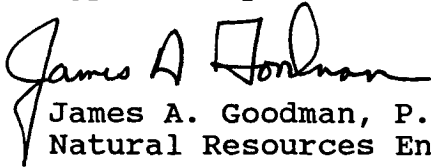
1. Water is available for the proposed diversion point from the Veblen Aquifer.
2. There is to be no additional diversion of water beyond the 4.71 cfs which has already been appropriated under existing permits.
3. The proposed diversion point is located within the City of Milbank's future use area and would have a priority date which is junior to the City's priority date.

4. There should be no adverse interference with existing water rights.
5. Observation well records reflect fairly constant readings with some yearly fluctuations.



Mark D. Rath
Natural Resources Engineer II

Approved by:



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

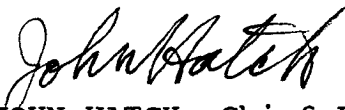
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5482-3, WIESE BROTHERS FARMS

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. 5482-3, Wiese Brothers Farms, RR 1, Twin Brooks, SD.

The Chief Engineer is recommending APPROVAL of Application No. 5482-3 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.
3. Permit No. 5482-3 is subject to prior rights established by the City of Milbank under future use withdrawal permits if and when the City develops the reserved water supply.

See report on application for additional information.


JOHN HATCH, Chief Engineer
January 7, 1991



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 19, 1991

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

Wiese Brothers Farms
RR #1
Twin Brooks SD 57269

Dear Sirs:

Water Permit Application No. 5482-3 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 Grant Co. Review printed at Milbank 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 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 WATER & NATURAL RESOURCES

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

March 19, 1991

Grant Co. Review
Box 390
Milbank SD 57252

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5482-3 to be published twice. Please publish the first notice on or before March 27, 1991 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 Wiese Brothers Farms, RR #1, Twin Brooks SD 57269.

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 or before March 27, 1991 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5482-3 to Appropriate Water
to Correct Water Permit Nos. 3561-3, 4406-3 and 4715-3

Notice is given that Wiese Brothers, RR #1, Twin Brooks SD 57269 has filed an application for a water permit for one additional well 275 feet deep located in the NE 1/4 NW 1/4 Section 10-T120N-R50W to irrigate lands authorized by Water Permit Nos. 3561-3, 4406-3 and 4715-3. Water Permit Nos. 3561-3, 4406-3 and 4715-3, combined, appropriate 4.71 cubic feet of water per second (cfs) from one well located in the SW 1/4 NE 1/4 Section 10-T120N-R50W to irrigate 445 acres. An inspection of these permits found 375 irrigated acres developed in the E 1/2, NE 1/4 NW 1/4, S 1/2 NW 1/4, N 1/2 SW 1/4 Section 10-T120N-R50W being irrigated by two developed wells. This application, if approved, does not authorize any increase in the developed diversion rate or acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5482-3 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. 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 April 22, 1991. 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. 5482-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 am at Chef Louie's, Meeting Room, 601 E Havens, Mitchell SD. If this application is opposed or the recommendation is contested, the May 1, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place 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 May 1, 1991 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 April 22, 1991.

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; 46-5-1 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Grant) ss.



I, Nina Beilke

certify that the attached printed Notice was taken
from the Grant County Review

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 Milbank

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

March 27, 1991

April 3, 1991

Nina Beilke

(Signature)

Bookkeeper

(Title)

April 3, 1991

(Date Signed)

ested in attending the hearing, may
contact the Division of Water Rights to
confirm a hearing date and location.
The May 1, 1991 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 applica-
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authorized to 1) approve, 2) approve
with qualifications, 3) defer, or 4) deny
this application based on the facts pre-
sented at the public hearing. Any
hearing will be an adversary proceed-
ing. 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 wit-
nesses according to SDCL 1-26. These
and other due process rights will be for-
feited if not exercised. Decisions of the
Board may be appealed to the Circuit
Court and State Supreme Court as pro-
vided by law. Contact the Water Rights
Division to request copies of informa-
tion 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; 46-5-1 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.
March 27

April 3

NOTICE OF HEARING

On Application No. 5482-3 To
Appropriate Water To Correct Water
Permit Nos. 3561-3, 4406-3 and 4715-3

Notice is given that Wiese Brothers,
RR No. 1, Twin Brooks, SD 57269 has
filed an application for a water permit
for one additional well 275 feet deep
located in the NE 1/4 NW 1/4 Section
10-T120N-R50W to irrigate lands auth-
orized by Water Permit Nos. 3561-3,
4406-3 and 4715-3. Water Permit Nos.
3561-3, 4406-3 and 4715-3, combined,
appropriate 4.71 cubic feet of water per
second (cfs) from one well located in
the SW 1/4 NE 1/4 Section 10-T120N-R50W
to irrigate 445 acres. An inspection of
these permits found 375 irrigated acres
developed in the E 1/2 NE 1/4 NW 1/4, S 1/2
NW 1/4, N 1/2, SW 1/4 Section 10-T120N-
R50W being irrigated by two developed
wells. This application, if approved,
does not authorize any increase in the
developed diversion rate or acres irri-
gated.

Pursuant to SDCL 46-2A-2, the Chief
Engineer recommends APPROVAL of
Application No. 5482-3 because 1) exist-
ing rights will not be unlawfully im-
paired, 2) it is a beneficial use of water,
and 3) it is in the public interest. Unless
a petition is filed opposing the applica-
tion or the applicant files a petition
contesting the chief engineer's recom-
mendation, the Water Management
Board will NOT CONDUCT a HEAR-
ING to consider this application and the
chief engineer will issue the permit as
recommended. Petitions filed in sup-
port of the application will NOT require
the Board to hear the application.

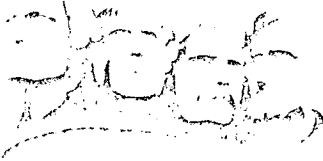
Any person interested in opposing or
supporting this application must file a
written petition with BOTH the appli-
cant and Chief Engineer. The applicant
must also file a petition if opposed to the
Chief Engineer's recommendation. The
Chief Engineer's address is "Water
Rights Division, Foss Building, 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 April 22, 1991. The
petition may be informal, but must
include a statement describing the pe-
titioner'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.
5482-3 and 2) the chief engineer's
recommendation, a Board meeting is
scheduled for May 1, 1991, at 10:00 a.m.
at Chef Louie's, Meeting Room, 601 E
Havens, Mitchell, SD. If this applica-
tion is opposed or the recommendation
is contested, the May 1, 1991 hearing
date may be rescheduled for another
Board meeting. If the hearing is re-
scheduled, notice of the time and place
will be given by First Class Mail to the
applicant and persons filing petitions.
Anyone not filing a petition but inter-

Cost of Printing: March 27 - 119

April 3 - 80% of above

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 17 1991

Russell Wiese
RR 1
Twin Brooks, SD 57269

Dear Mr. Wiese:

Enclosed is Water Permit No. 5482-3 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 15, 1992

SECOND NOTICE

Permit No. 5482-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Russell Wiese
RR 1
Twin Brooks, SD 57269

Dear Mr. Wiese:

On September 17, 1991, you were notified the final inspection fee of \$50.00 is due before Water License No. 5482-3 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

SENDER: Complete item
3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Russell Wiese

RR 1

Twin Brooks, SD 57269

4. Article Number

P 757 566 260

Type of Service:

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

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X (wife)

6. Signature - Agent

X Linda Wiese

7. Date of Delivery

6/20/92

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413276

Pierre, July 1, 19 92

RECEIVED OF Wiese Bros. Farms, RR 1 Box 36A, Twin Brooks, SD 57269-9801

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>5482-3</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 Hatch

Permit No. 5482-3
WHETSTONE CREEK - 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 WIESE BROTHERS of RR1, TWIN BROOKS, SD holder of Permit No. 5482-3, bearing the priority of 11/29/1976, 3/5/1979 & 4/2/1981 authorizing the diversion of 4.71 cu. ft. per second of the waters of GROUND WATER for IRRIGATION purposes, in GRANT County.

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

A. Works used to divert the water:

A 12 INCH AURORA VERTILINE PUMP WITH A 1600 gpm CAPACITY AND A 6 INCH BERKLEY SUBMERSIBLE PUMP WITH A 325 gpm CAPACITY.

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

900 FEET OF 6 INCH PVC PIPE AND 4550 FEET OF 8 INCH PVC PIPE.

C. Works used to apply water to beneficial use:

TWO 1250 FOOT ZIMMATIC CENTER PIVOT, ONE 1284 FOOT ZIMMATIC CENTER PIVOT AND ONE 420 FOOT ZIMMATIC TOWABLE CENTER PIVOT.

The system is in the following condition GOOD. The point of diversion is located FROM THE NE CORNER OF SECTION 10 T120N-R50W: WELL #1 - 2100 FEET SOUTH AND 1400 FEET WEST, WELL #2 - 550 FEET SOUTH AND 3300 FEET WEST. The works are capable of diverting and conveying to the place of use 4.28 cu. ft. per second of water which is to be used for IRRIGATION PURPOSES. Water has been put to beneficial use to the maximum extent as follows:

ALL LAND LOCATED IN SECTION 10 T120N-R50W:

<u>NOVEMBER 29, 1976 PRIORITY,</u>	<u>SE1/4 NW1/4 - 28 ac</u>	<u>SW1/4 NW1/4 - 28 ac</u>
<u>NW1/4 NE1/4 - 13 ac</u>	<u>NE1/4 NE1/4 - 13 ac</u>	<u>SE1/4 NE1/4 - 39 ac</u>
<u>SW1/4 NE1/4 - 39 ac</u>	<u>NW1/4 SE1/4 - 35 ac</u>	<u>NE1/4 NW1/4 - 35 ac</u>
<u>MARCH 5, 1979 PRIORITY,</u>	<u>NW1/4 NW1/4 - 1 ac</u>	<u>NE1/4 NE1/4 - 27 ac</u>
<u>NW1/4 NE1/4 - 8 ac</u>	<u>SE1/4 SE1/4 - 31 ac</u>	<u>SW1/4 SE1/4 - 31 ac</u>
<u>APRIL 2, 1981 PRIORITY,</u>	<u>NW1/4 SW1/4 - 24 ac</u>	<u>NE1/4 SW1/4 - 23 ac</u>

comprising a total of 375 acres of land and the license should be issued for 4.28 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: NONE

Date: 7/02/1992



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

REPORT ON INSPECTION OF PERMIT NO. 5482-3 DATE: 4/19/1990

Other permit(s) associated with the project: 3561-3, 4406-3 & 4715-3

DIVERSION POINT LEGAL LOCATION: FROM THE NE CORNER OF SECTION 10 T120N-R50W:

WELL #1 - 2100 FEET SOUTH AND 1400 FEET WEST, WELL #2 - 550 FEET SOUTH AND 3300 FEET WEST

WELL #1

WELL INFORMATION: Well Drilling Firm: HURON DRILLING INC.

No. of Wells 1 Depth(s) 275 FT

- | | |
|--|--|
| a) Casing: 1) diameter <u>16</u> inches | b) Screen: 1) type <u>STAINLESS STEEL</u> |
| 2) length <u>245</u> feet | 2) length <u>30</u> feet |
| 3) type <u>PVC</u> | c) Pump 1) make <u>AURORA</u> |
| d) Static Water Level <u>68</u> feet | 2) model <u>VERTILINE</u> |
| e) Motor: | 3) size <u>12</u> inches |
| 1) make <u>US ELECTRICAL</u> | 4) capacity <u>1650</u> GPM |
| 2) model No. <u>44TPA</u> | 5) turbine pump - No. of stages |
| 3) horsepower rating <u>150</u> hp | 6) operating pressure <u>50</u> PSI |

WELL #2

WELL INFORMATION: Well Drilling Firm: NORTH STAR DRILLING

No. of Wells 1 Depth(s) 280

- | | |
|---|--|
| a) Casing: 1) diameter <u>8</u> inches | b) Screen: 1) type <u>STAINLESS STEEL</u> |
| 2) length <u>265</u> feet | 2) length <u>15</u> feet |
| 3) type <u>STEEL</u> | c) Pump 1) make <u>BERKLEY</u> |
| d) Static Water Level <u>78</u> feet | 2) model <u>SUBMERSIBLE</u> |
| e) Motor: | 3) size <u>6</u> inches |
| 1) make <u>BERKLEY</u> | 4) capacity <u>325</u> GPM |
| 2) model No. | 5) turbine pump - No. of stages |
| 3) horsepower rating <u>40</u> hp | 6) operating pressure <u>80</u> PSI |

DISTRIBUTION LINES OR CANALS:

- | | | |
|--------------------|-------------------------|----------------------------|
| a) type <u>PVC</u> | b) size <u>6</u> inches | c) length <u>900</u> feet |
| a) type <u>PVC</u> | b) size <u>8</u> inches | c) length <u>4550</u> feet |

SYSTEM TYPE:

e) Center pivot:

1) make ZIMMZTIC

2) overall length 1250 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 500 GPM

f) Gun:

1) make

2) nozzle size inches

3) capacity GPM

4) hose size inches

5) hose length feet

e) Center pivot:

1) make ZIMMATIC

2) overall length 1284 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 650 GPM

f) Gun:

1) make

2) nozzle size inches

3) capacity GPM

4) hose size inches

5) hose length feet

e) Center pivot:

1) make ZIMMATIC

2) overall length 1250 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 500 GPM

f) Gun:

1) make

2) nozzle size inches

3) capacity GPM

4) hose size inches

5) hose length feet

e) Center pivot:

1) make ZIMMATIC TOWABLE

2) overall length 420 feet

3) number of towers 2

4) distance between towers feet

5) end gun Y (Y/N)

6) high or low pressure HIGH

7) capacity 325 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)

12000



5482-3

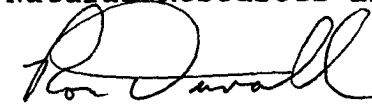
REPORT ON WATER PERMIT NO. 5482-3
WIESE BROTHERS
JULY 6, 1992

Water Permit No. 5482-3 authorizes an additional well, 275 feet deep, located in the NE 1/4 NW 1/4 Section 10-T120N-R50W to irrigate lands authorized by Water Permit Nos. 3561-3, 4406-3 and 4715-3. Water Permit Nos. 3561-3, 4406-3 and 4715-3, combined, appropriate 4.71 cubic feet of water per second (cfs) from one well located in the SW 1/4 NE 1/4 Section 10-T120N-R50W to irrigate 445 acres. An inspection of these permits found 375 acres developed. Readvertisement of the notice of hearing published on March 27 and April 3, 1991 is needed to correct the legal description of the irrigated acres. The location of the irrigated acres was incorrectly advertised as being located in the E 1/2 NE 1/4 NW 1/4, S 1/2 NW 1/4, N 1/2, SW 1/4 Section 10-T120N-R50W. The correct location of the acreage developed for irrigate is the NW 1/4, NE 1/4, SE 1/4, N 1/2 SW 1/4 Section 10-T120N-R50W. This readvertisement does not authorize any increase in the acreage irrigated or increase in the developed diversion rate.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 5482-3.
2. This readvertisement is necessary to correct the legal description of the lands being irrigated prior to issuance of the water license. The correct location of the irrigated acreage was identified on the map and permit application.
3. The correct legal description of the lands being irrigated is the NW 1/4, NE 1/4, SE 1/4, N 1/2 SW 1/4 Section 10-T120N-R50W.


Eric Gronlund
Natural Resources Engineer


Ron Duvall
Natural Resources Engineer IV

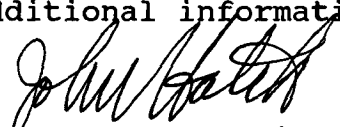
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 5482-3, Wiese Brothers

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. 5482-3, Wiese Brothers, RR 1, Twin Brooks, SD 57269.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 5482-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) 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.
3. Permit No. 5482-3 is subject to prior rights established by the City of Milbank under future use withdrawal permits if and when the City develops the reserved water supply.

See report on application for additional information.


JOHN HATCH, Chief Engineer
July 15, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 16, 1992

Russell Wiese
Wiese Brothers
RR 1
Twin Brooks, SD 57269

Dear Mr. Wiese:

The original notice of hearing for Water Permit Application No. 5482-3 was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Grant Co. Review printed at Milbank, SD (Ph # 432-4516). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 16, 1992

Grant Co. Review
Box 390
Milbank, SD 57252

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 5482-3 to be published twice. Please publish the first notice on July 22, 1992, with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

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 Readvertisement of Notice of Hearing to Appropriate Water by Permit 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 22, 1992, with the second publication 7 days later.

Readvertisement of NOTICE OF HEARING on Application No. 5482-3 to Appropriate Water

Notice is given that Wiese Brothers, RR 1, Twin Brooks, SD 57269 have filed an application for a water permit on November 21, 1990. Water Permit No. 5482-3 authorized one additional well 275 feet deep located in the NE 1/4 NW 1/4 Section 10-T120N-R50W to irrigate lands authorized by Water Permit Nos. 3561-3, 4406-3 and 4715-3. Water Permit Nos. 3561-3, 4406-3 and 4715-3, combined, appropriate 4.71 cubic feet of water per second (cfs) from one well located in the SW 1/4 NE 1/4 Section 10-T120N-R50W to irrigate 445 acres. An inspection of these permits found 375 acres developed. Readvertisement of the notice of hearing published on March 27 and April 3, 1991 is needed to correct the legal description of the irrigated acres. The location of the irrigated acres was incorrectly advertised as being located in the E 1/2 NE 1/4 NW 1/4, S 1/2 NW 1/4, N 1/2, SW 1/4 Section 10-T120N-R50W. The correct location of the acreage developed for irrigation is the E 1/2, NW 1/4, N 1/2 SW 1/4 Section 10-T120N-R50W. This readvertisement serves only to identify the correct location of irrigated acres. No increase in the acreage irrigated or increase in the developed diversion rate will be authorized.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Application No. 5482-3 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 10, 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. 5482-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 18, 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 18, 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 18, 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 10, 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 Eric Gronlund at the above Water Rights Division address 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

**Readvertisement of
NOTICE OF HEARING
On Application No. 5482-3 to
Appropriate Water**

Notice is given that Wiese Brothers, RR 1, Twin Brooks, SD 57269 have filed an application for a water permit on November 21, 1990. Water Permit No. 5482-3 authorized one additional well 275 feet deep located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10-T120N-R50W to irrigate lands authorized by Water Permit Nos. 3561-3, 4406-3 and 4715-3. Water Permit Nos. 3561-3, 4406-3 and 4715-3, combined, appropriate 4.71 cubic feet of water per second (cfs) from one well located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10-T120N-R50W to irrigate 445 acres. An inspection of these permits found 375 acres developed. Readvertisement of the notice of hearing published on March 27 and April 3, 1991 is needed to correct the legal description of the irrigated acres. The location of the irrigated acres was incorrectly advertised as being located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$, SW $\frac{1}{4}$ Section 10-T120N-R50W. The correct location of the acreage developed for irrigation is E $\frac{1}{2}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 10-T120N-R50W. This readvertisement serves only to identify the correct location of irrigated acres. No increase in the acreage irrigated or increase in the developed diversion rate will be authorized.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Application No. 5482-3 be-

cause 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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Grant)



I, Clarence Justice

certify that the attached printed Notice was taken
 from the Grant County Review

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 Milbank of _____

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

July 22, 1992

July 29, 1992

Clarence Justice
 (Signature)
 Foreman
 (Title)
July 29, 1992
 (Date Signed)

Cost of Printing: _____

First Publication - 138 lines @ .2978 - \$41.10

Second publication - 80% of above 32.88

Total \$73.98

an interested person or the applicant must be filed by August 10, 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. 5482-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 18, 1992, at 9:00 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 18, 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 18, 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 10, 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 Eric Gronlund at the above Water Rights Division address 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

July 22

July 29



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 24 1992

5482-3

Russell Wiese
Wiese Brothers Farms
RR 1, Box 36A
Twin Brooks, SD 57269-9801

Dear Mr. Wiese:

Enclosed is Water License No. 5482-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413276 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. 5482-3, 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. 3561-3, 4406-3 and 4715-3 have been incorporated into this Water License No. 5482-3.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5482-3**

(1) Wiese Brothers Farms of RR #1 Box 36A, Twin Brooks, SD 57269-9801 made Application No. 5482-3, November 21, 1990, for a water permit to appropriate no additional cubic feet of water per second (cfs) from groundwater, Grant County, South Dakota for irrigation purposes. Permit No. 5482-3, with a priority date of April 2, 1981, was approved May 1, 1991 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. 5482-3 added one 275 feet deep well to irrigate lands authorized by Water Permit Nos. 3561-3, 4406-3 and 4715-3. No. 5482-3 did not authorize an increase in the developed diversion rate or acres irrigated.

The applicable portions of Water Permit No. 3561-3, 4406-3 and 4715-3 are incorporated into this Water License No. 5482-3. Priority dates, as they pertain to the irrigated acres are described in (3) of this license. (November 29, 1976 was established under Permit No. 3561-3; March 5, 1979 was established under Permit No. 4406-3 and April 2, 1981 was established under Permit No. 4715-3)

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of construction of the water supply system and is entitled to divert 4.28 cubic feet of water per second for beneficial use. The location of the diversion points are:

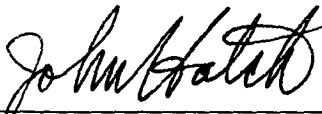
Well #1 - 2100 feet south and 1400 feet west of the NE corner Section 10;
Well #2 - 550 feet south and 3300 feet west of the NE corner Section 10;
both in Section 10, T120N, R50W

(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 lands: all in T120N, R50W Section 10

SE 1/4 NW 1/4	28 acres	November 29, 1976 priority
SW 1/4 NW 1/4	28 "	"
NE 1/4 NW 1/4	35 "	"
NW 1/4 NW 1/4	1 "	March 5, 1979 priority
NW 1/4 NE 1/4	21 acres	(13 ac) November 29, 1976 priority
		(8 ac) March 5, 1979 priority
NE 1/4 NE 1/4	40 acres	(13 ac) November 29, 1976 priority
		(27 ac) March 5, 1979 priority
SE 1/4 NE 1/4	39 acres	November 29, 1976 priority
SW 1/4 NE 1/4	39 "	"
NW 1/4 SE 1/4	35 "	"
SE 1/4 SE 1/4	31 "	March 5, 1979 priority
SW 1/4 SE 1/4	31 "	"
NW 1/4 SW 1/4	24 "	April 2, 1981 priority
NE 1/4 SW 1/4	23 "	"
TOTAL	375 acres	

(4) Pursuant to SDCL 46-5-30.1, Wiese Brothers Farms, RR #1 Box 36A, Twin Brooks, SD 57269-9801, the holders and owners of Incorporated Water Permit No. 5482-3 are issued a license to appropriate water, the right to use 4.28 cubic feet of water per second from groundwater (two wells) with priority dates of November 29, 1976, March 5, 1979 and April 2, 1981 from locations 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 or irrigation.

This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5482-3 and subject to South Dakota State Law.



NOV 24 1992

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

January 29, 1993

NOTICE

TO: WIESE BROTHERS FARMS
RR 1 BOX 36A
TWIN BROOKS SD 572699801

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Water Permit No(s) 5482-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 5482-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 5482-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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 SDCL 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) 5482-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

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:

WIESE BROTHERS FARMS
RR 1 BOX 36A
TWIN BROOKS SD 572699801

4a. Article Number

P906 560 136

4b. Service Type

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

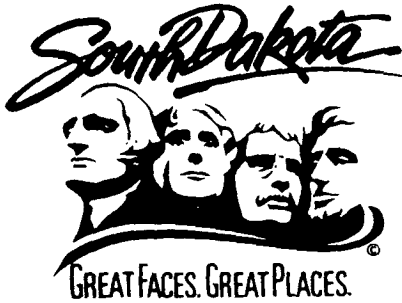
7. Date of Delivery

2-23-93

5. Signature (Addressee)

Linda Wiese

6. Signature (Agent)**8. Addressee's Address (Only if requested and fee is paid)**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1993

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: WIESE BROTHERS FARMS
RR 1 BOX 36A
TWIN BROOKS SD 572699801

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 

SUBJECT: One Year Suspension of Water Permit No. 5482-3

Pursuant to the provisions of the notices dated January 29, 1993, and following the hearing of March 3, 1993, the Water Management Board has ordered:

That Water Permit No. 5482-3 be SUSPENDED until December 31, 1993. Suspension of the permit does not excuse the permit owner from the requirement to submit the 1992 irrigation questionnaire.

Suspension of a permit means water may not be pumped during the 1993 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension(s), you will need to submit a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 5-6, 1993 in Pierre. The letter should include your reasons for not completing the irrigation questionnaire prior to the March Board meeting.

CERTIFICATION

I hereby certify that on March 9, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 1993, regarding NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT'S addressed as stated below:

4651-3: Donald Abraham, RR 2, Box 64, Elk Point, SD 57025.

833-2: Sadie & Bob Assman, RR 3, Box 144, Winner, SD 57580.

754-1: Lloyd & Barbara Campbell, HC 62, Box 8, McIntosh, SD 57641.

978-2: Robert Christensen, HCR 81, Box 47, Kennebec, SD 57544.

2080-2: Gary L. Dickinson, HC 72, Box 23, Tuthill, SD 57574.

4702-3, 5226-3: Dan Hanson, RR 1, Box 6A, Elk Point, SD 57025.

5070-3: Mike Wurtz-Jamesville Colony, RR 1, Box 51, Utica, SD 57067.

884B-1: Dale Johnson, Mgr. RR 3, Box 23AA, Vale, SD 57788.

1252-3: Dave Kokesh, Renter, Rt 1, Wagner, SD 57380.

4948-3: Gerald A. Person, RR 2, Box 123, Britton, SD 57430.

751-1: Prairie View, Inc., HC 75, Box 154, Sturgis, SD 57785.

2137-2: Frank Simpson, 1116 Jackson Bl., Rapid City, SD 57702.

1028-3: William M. Smith, Rt 1, Box 136, Mission Hills, SD 57046.

200-3: Teresa Wessel, RR 1, Box 127, Woonsocket, SD 57385.

5482-3: Wiese Brothers Farms, RR 1, Box 36A, Twin Brooks, SD
57269-9801.

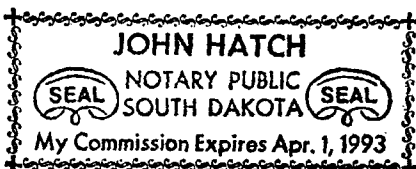
1341-3: Daniel J. Kamphuis, 8513 Keiser SE, Alto, MI 49302-9728.

Cheryl A. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1993.



John Hated
Notary Public

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Allan Schneck

ADDRESS: RR #1 Box 37, Milbank, SD 57252 COUNTY: Grant

DATE: March 16, 1993 TELEPHONE: (605) 432-4044

RE: Suspension of Water Right No. 5482-3

COMMENTS:

Water Right No. 5482-3 was suspended on March 3, 1993 for one year. The suspension occurred because the 1992 irrigation questionnaire had not been returned. The questionnaire and followup notices were sent to Wiese Brothers Farms, Twin Brooks, SD.

On March 16, 1993, Allan Schneck notified our office that he had purchased the land from Wiese Brothers Farms in the spring of 1992. Mr. Schneck stated he did irrigate in 1992.

Based upon this information, Water Right No. 5482-3 will no longer be suspended since the questionnaire and followup notices were not mailed to the appropriate person.

Mr. Schneck will be mailed a 1992 irrigation questionnaire to complete and a "Notice of Transfer of Ownership" to be filed with our office.



Ron Duvall
Natural Resources Engineer
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 17, 1993

Allan Schneck
RR #1 Box 37
Milbank, SD 57252

Dear Mr. Schneck:

Enclosed is a 1992 irrigation questionnaire and a partially completed "Notice of Transfer of Ownership" pertaining to Water Right No. 5482-3.

On March 3, 1993, the Water Management Board SUSPENDED Water Right No. 5482-3 for one year due to nonreturn of the 1992 Irrigation Questionnaire. The suspension was based upon the irrigation questionnaire and followup notices that were sent to Wiese Brothers Farms. You stated during our March 16th telephone conversation that you purchased the land from Wiese Brothers in the spring of 1992.

Since the questionnaire and followup notices were not mailed to the current owner of the land, the suspension will not be enforced. Documentation will be put in the file to show that improper notice was given and the water right is no longer suspended.

Please complete the "Notice of Transfer" where necessary and sign it in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

The enclosed 1992 irrigation questionnaire must also be completed and returned to our office. If you need assistance in completing either the transfer form or the questionnaire, please contact Genny McMath at (605) 773-3352.

Sincerely,

Ron Duvall
Natural Resources Engineer IV
Water Rights Division

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 5482-3

Date: _____

I\We request that Water Right No. 5482-3

formerly owned by: Wiese Brothers Farms, RR #1 Box 36A, Twin Brooks, SD 57269-9801

be transferred to: (name & address) Alan or Linda Schneck

RR1 Box 37 Millbank SD 57252 (Telephone No) 605-432-4044

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

375 acres - N 1/2, S 1/2 SE 1/4, NW 1/4 SE 1/4, N 1/2 SW 1/4 Section 10, T120N, R50W

I\We understand that the validity of Water Right No. 5482-3 has not been determined by this transfer action. If I\We have any questions on validity, I\We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of GRANT)

I\We Linda Schneck being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Linda Schneck

(Signed)

Subscribed and sworn to before me this 20th day of April, 1993.

Linda Redmond

(Notary Public)

LINDA REDMOND, NOTARY PUBLIC

My Commission Expires October 24, 1998

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

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

RECEIPT

413714

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 5 _____, 19 93

RECEIVED OF Linda Schneck, RR 1 Box 37, Milbank, SD 57252

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. _____		
Fee for Filing Transfer Form <u>Water Right No. 5482-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 13, 1993

No. 5482-3

Alan or Linda Schneck
RR 1, Box 37
Milbank, SD 57252

Dear Mr. and Ms. Schneck:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 5482-3.

Our records now show you as the owner of Water Right No. 5482-3.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 1993

5482-3

Alan or Linda Schneck
RR #1 Box 37
Milbank, SD 57252

Dear Mr. & Mrs. Schneck:

Enclosed is your Reissued Water License No. 5482-3. The license was reissued to include acreage developed in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T120N, R50W that was omitted from the original license. The remaining portions of the original license have not been altered by reissuance of the license.

As long as you use the water beneficially, as stated in the Water License, SD Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosure

gm

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 5482-3

(1) Wiese Brothers Farms, of RR #1 Box 36A, Twin Brooks, SD 57269-9801 was issued Water License No. 5482-3, for a water right to appropriate 4.28 cubic feet of water per second from groundwater (two wells), Grant County, South Dakota for irrigation purposes. Water License No. 5482-3, with priority dates of November 29, 1976, March 5, 1979 and April 2, 1981 was issued to the applicants for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On April 5, 1993, Water Right No. 5482-3 was transferred to Alan or Linda Schneck.

A review of the original water license, report of examination of works and map found a portion of the developed acreage had been omitted. The map prepared from the inspection outlines 35 acres developed in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10 that should have been included in the water license. The water license is being reissued to include this acreage. The 35 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ will retain a November 29, 1976 priority date. The remaining portions of the original license will not be altered by the reissued license.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 4.28 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 2100'S and 1400'W of the NE corner (SW $\frac{1}{4}$ NE $\frac{1}{4}$) and Well #2 - 550'S and 3300'W of the NE corner (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 10, T120N, R50W.

(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: all in Section 10, T120N, R50W

Acreage

SE $\frac{1}{4}$ NW $\frac{1}{4}$	28 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	28 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	35 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1 acre
NW $\frac{1}{4}$ NE $\frac{1}{4}$	21 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	39 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	39 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	35 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	35 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	31 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	31 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	24 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	23 acres

TOTAL 410 acres

Priority Date(s)

November 29, 1976
November 29, 1976
November 29, 1976
March 5, 1979
(13 acres) November 29, 1976; (8 acres) March 5, 1979
(13 acres) November 29, 1976; (27 acres) March 5, 1979
November 29, 1976
November 29, 1976
November 29, 1976
November 29, 1976
March 5, 1979
March 5, 1979
April 2, 1981
April 2, 1981

REISSUED WATER LICENSE NO. 5482-3

PAGE 2

ALAN OR LINDA SCHNECK

(4) Pursuant to South Dakota Water Law 46-5-30.1 Alan or Linda Schneck of RR #1 Box 37, Milbank, SD 57252 the holders and/or owners of Water Right No. 5482-3 are issued a license to appropriate water, the right to use 4.28 cubic feet of water per second from groundwater (two wells) with priority dates of November 29, 1976, March 5, 1979 and April 12, 1981 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 5482-3 and subject to South Dakota State Law.



SEP 20 1993

JOHN HATCH, Chief Engineer

Water Rights Division

Department of Environment and Natural Resources

North

A 3x3 grid with a solid horizontal line in the middle row. The middle-right cell contains an 'X' and is labeled 'E' on the right and 'W' on the left.

June 23, 2021

1 Mile

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

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

Mud rotary

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	248.0 FT	24.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	109	Lb/gal	0.0 Ft	245.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie piped

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 16.00 Inches Length 31.0 Feet

Material Stainless steel

Slot Size .030 Set From 248.0 Feet to 279.0 Feet

Other information

If so, what material?

Describe packer(s) and location

☒ Yes, How? Chlorinated

Lab to which water ☐ No, Why Not?
quality sample sent for analysis

City, State, Zip: Milbank SD 57252

DEPTH

[illegible]

94.2 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?

☒ Pumped Describe: Submersible pump test

Pumping Level Below Land Surface

125.6 Ft. After 6.0 Hrs. pumped 870.0 GPM

Ft. After	Hrs. pumped	GPM
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If pump installed, pump rate: _____ GPM

GPS N45 13.0100 W96 48.4530

This well was drilled under license # 475 and this report is true and accurate.

Drilling firm: THEIN WELL COMPANY, INC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder: _____

RECEIVED

AUG 23 2021

Date: 8/9/21

~~WATER RIGHTS PROGRAM~~

Brian Schneck – 470th Ave Twin Brooks, SD - Well Formation Log

Formation	From	To
Top soil	0	2
Clay – Brown	2	4
Clay – Yellow	4	14
Clay – Brown	14	18
Clay – Gray	18	32
Sand	32	49
Clay – Gray	49	50
Sand – Fine	50	55
Sand – Medium	55	65
Boulder	65	66
Clay – Gray	66	72
Clay/sand mix – Gray	72	89
Boulder	89	90
Clay/gravel mix – Gray	90	102
Clay/sand mix – Gray	102	179
Sand w/clay – Gray	179	185
Clay – Gray	185	187
Sand	187	188
Clay – Gray	188	205
Sand – Fine w/clay seams	205	210
Sand – Fine	210	215
Sand – Fine/Medium	215	220
Sand – Fine	220	225
Clay/sand mix – Gray	225	228
Sand – Fine	228	242
Sand – Medium/Coarse	242	283
Boulder	283	284
Clay – Gray	284	288

Brian Schneck

Well location:
470th Ave.
Twin Brooks, SD

Legend

 Feature 1

n45 13.0100 w96 48.4530  16" Irrigation Well - Brian Schneck

470th Ave

149th St

8

Google Earth

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1000 ft