

Considered: _____

WATER PERMIT NO. 5514-3

Phone: 874-2208

Name of Applicant: Boeke Brothers

Post Office Address: RR 1, Box 171, Clear Lake SD 57226

Amount of Water Claimed: 1.07 Total Acres: 75

Source of Water Supply: groundwater

Water to be used for: irrigation County: Deuel

About 2 miles southeast of Clear Lake

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 2-7-91 Fee: \$225.00 Remarks _____

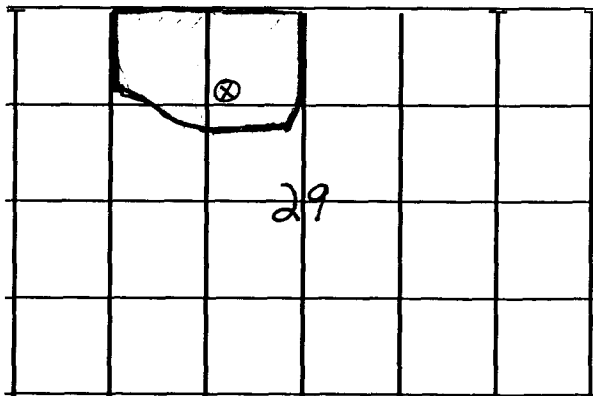
Corrected Application Received _____ Period of Annual Use April 1 -Oct 31

WATER QUALITY APPROVAL RECEIVED 3-6-91 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: NE 1/4 NW 1/4 29-115-48

Land to be Irrigated: NW 1/4 29-115-38



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

Depth of Well: 125' REMARKS _____

Type of Map: aerial PREPARED BY: Paulette Ruhl Reviewed and the Number

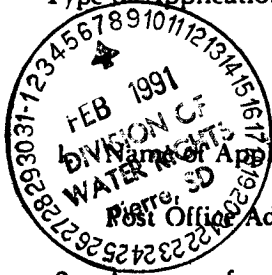
Assigned on 3-6-91 By Karen Schlaak

(See instructions)

No. 5514-3 Hydrologic Unit 0702003
Basin Minnesota-Whetstone
Newspaper Clear Lake Courier, Box 277 (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 _____



Name of Applicant Boeke Brothers Phone No. 874-2208
Post Office Address RR1 Box 171 Clear Lake State SD Zip Code 57226
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s.) 1.07 cfs Total acres irrigated 75
3. Source of Water supply Well South
4. Location of point of diversion 1250' west of 1300' north of the NW corner of the NW 1/4 of Sec 29 T-115-48W near center of the NW 1/4
County Dewell

5. Counties where water will be used Dewell
6. Annual period during which water is to be used Apr 1 - Oct 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

NW 1/4 Sec 29 T-115-48W

Land Description	No. Acres Irr.
<u>NW 1/4 of NW 1/4</u>	<u>15</u>
<u>NE 1/4 of NW 1/4</u>	<u>35</u>
<u>SW 1/4 of NW 1/4</u>	<u>10</u>
<u>SE 1/4 of NW 1/4</u>	<u>15</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

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

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 Dewell ss

I, Boeke Brothers, 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 Boeke Bros. by Wayne Boeke

Subscribed and sworn to before me this 23rd day of November 19 90

Beth Kessler
Notary Public

my commission expires August 31, 1995

**SOUTH DAKOTA
WATER PERMIT No. 5514-3 FOR IRRIGATION**

Date of first receipt of application February 6, 1991.
Date Soil/Water Compatibility Permit received March 6, 1991.
Date of return to applicant for corrections, amendments or changes
February 8, 1991.
Date of receipt of corrected application February 14, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5514-3 to Boeke Brothers, RR 1, Box 171, Clear Lake SD 57226 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. 5514-3 appropriates 1.07 cubic feet of water per second from one well (Big Sioux:Brookings) 125 feet deep located near the center of the NW 1/4 Section 29-T115N-R48W to irrigate land located in the NW 1/4 Section 29-T115N-R48W.
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 February 6, 1991.
4. The date of approval of Permit No. 5514-3 is June 19, 1991.
5. One-fifth of the construction is to be completed on or before December 19, 1993.
6. All construction is to be completed on or before June 19, 1996.
7. Water is to be put to beneficial use on or before June 19, 2000.
8. 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 authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. 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.

(continued)

Water Permit No. 5514-3
Page 2

3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUL 29 1991

date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 26" Depth 125'
- b) Casing Type PVC Diameter 16" Thickness 3/8
- c) Screen Type Stainless Diameter 16" Thickness 1/4
- d) Gravel Pack Thickness 5" Length of Gravel Pack 35'
- e) Depth to Top of Water Bearing Material 90'
- f) Depth to Water (ground surface to water level) 32
- g) Distance to nearest existing domestic well:
 On applicants property _____ On property owned by others 1/2 mile

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

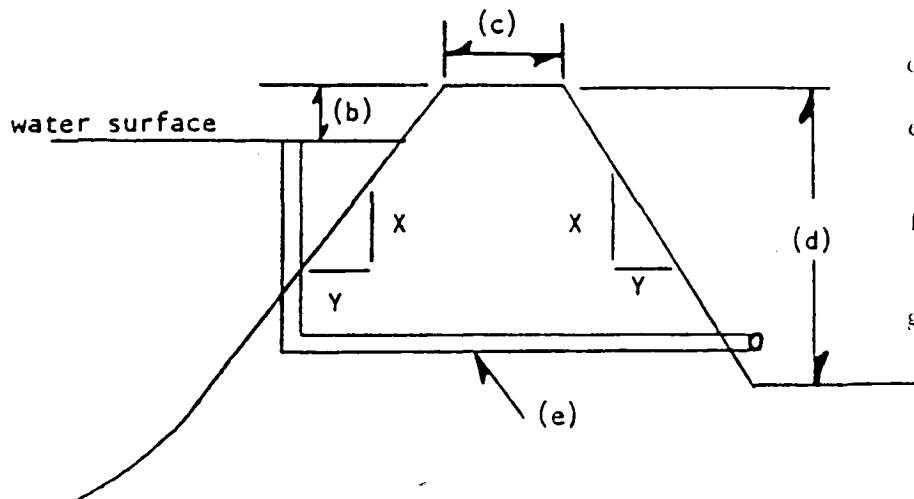
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



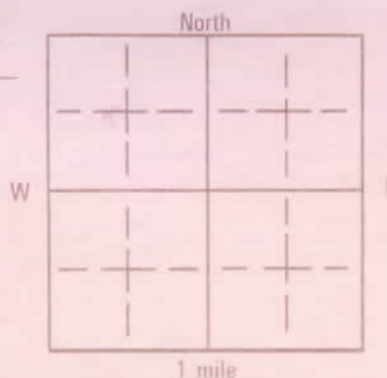
Boepi Bros by Wayne Boepi
 Signature of Applicant

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location N 1/4 Sec 27 Twp 45 Rg 48-49County Butte

Please mark well location with an "X"

Well Completion Date 2-91

PROPOSED USE:

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

Method of Drilling:

Direct Rotary

CASING DATA:

☐ Steel ☐ Plastic ☒ Other

If other describe Drill stem with 2" screen

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 130 FEETWhat is grouting material? SealcreteIf cement, number of sacks? 10Describe grouting procedure pumped Sealcrete through 2" screen using 1" as tremie pipeWhat was grout weight? 10 LB/GALSCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter 4 IN Length 10 FEETMaterial SteelSlot Size 1/2 Set From 0 Feet To 10 FeetSlot Size 1/2 Set From 0 Feet To 10 FeetSlot Size 1/2 Set From 0 Feet To 10 Feet

Other information

Was a packer or seal used? ☐ YES ☐ NO

If so, what material?

Describe packer(s) and location?

Was well disinfected upon completion? ☐ YES ☐ NO

Explain

Bacteriological analysis ☐ YES ☐ NO

Laboratory sent to

Well Owner:

Name Bocke FarmsAddress Clear Lake

Well Log:

Depth

Formation	From	To
Topsoil	0	2'
yellow clay	2'	24'
blue clay	24'	36'
yellow clay	36'	52'
blue clay	52'	70'
gravelly sand	70'	125'
blue clay	125'	130'

STATIC WATER LEVEL 32' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed☐ OtherDescribe: Air Line PumpDrill stem with 2" screen as a line

Pumping Level Below Land Surface

32 ft. After 4 Hrs. pumped 50-70 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 271

And this report is true and accurate.

Drilling firm Bocke Farms

Signature of License Representative:

Signature of Well Owner:

Date 2-4-91



Soil map
from Deuel Co
by
Cheryl Stohr
11-8-90

T. 29



NOT TO SCALE



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412530

Pierre, February 7, 1991

RECEIVED OF Wayne or Colleen Boeke, RR #2 Box 170, Clear Lake SD 57226

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

Fee for Application for Permit No. <u>5514-3</u> to Appropriate Water, to construct works and to put water to beneficial use	100	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	100 00

By John Hatch (mre)
Chief Engineer

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412531

Pierre, February 7, 1991

RECEIVED OF Neal or Kimberly Boeke, RR #2 Box 171A, Clear Lake SD 57226

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

Fee for Application for Permit No. <u>5514-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	125	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	125 00

By John Hatchman
Chief Engineer

Conversation or File Documentation

NAME OF PERSON OR FILE: Boeke Brothers

ADDRESS: _____ COUNTY _____

DATE: 12/13/90 TELEPHONE _____

RE: _____

COMMENTS:

Tom from Farmers Implement in Brookings called
regarding Boeke Brothers application. He said to
change amount of water claimed to reflect 1cfs=70 acres.
This makes the amount of water claimed be 1.07cfs for
the proposed 75 acres

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Henslund



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 8, 1991

Boeke Brothers
RR 1, Box 171
Clear Lake SD 57226

Dear Sirs:

In regard to your water permit application received on February 6, 1991, we have made the following change to your application. Under Item No. 2, you indicated the amount of water claimed to be 1.8 cfs. Under State Statutes you are allowed 1 cubic foot of water per second for each 70 acres irrigated. This would mean that you are allowed 1.07 cfs for the 75 acres to be irrigated.

Please contact this office, if you disagree with this change on your application.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

Conversation or File Documentation

NAME OF PERSON OR FILE: Boeke Brother appl.

ADDRESS: _____ COUNTY _____

DATE: 2/14/91 TELEPHONE 692-5135

RE: _____

COMMENTS:

Called Tom an Farmers Implement & Irrigation in
Broeking (he filled out the application for the Boekes) and
asked if the actual point of diversion should be 1250' West
and 1300' South of the NE Corner of the NW 1/4 Sec 29-T115N-R48W.
instead of 1250' West & 1300' North as put on the application.
He stated he made a mistake and should be ~~1250'~~
1300' South

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Lund

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4566

WR#

OWNERS NAME: BOEKE BROTHERS OWNERS ADDRESS: RR 1 BOX 171
CLEAR LAKE, SD 57226

COUNTY LAND LOCATED IN: DUEL PHONE: 874-2208

LEGAL DESCRIPTION:

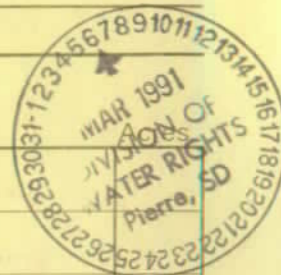
1. LOCATION NW $\frac{1}{4}$ 29-T115N-R48W

☒ Well

☐ Surface

Depth _____

Legal Description	Acres	Legal Description
<u>NW$\frac{1}{4}$ NW$\frac{1}{4}$ 29-T115N-R48W</u>	<u>15</u>	
<u>NE$\frac{1}{4}$ NW$\frac{1}{4}$ 29-T115N-R48W</u>	<u>35</u>	
<u>SW$\frac{1}{4}$ NW$\frac{1}{4}$ 29-T115N-R48W</u>	<u>10</u>	
<u>SE$\frac{1}{4}$ NW$\frac{1}{4}$ 29-T115N-R48W</u>	<u>15</u>	



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

3. CROPS TO BE IRRIGATED: CORN, BEANS, HAY, SMALL GRAIN

WATER QUALITY:

4. WATER SAMPLE NUMBER: 90-1727 7. ADJUSTED (SAR): WATER 0.23
5. SALINITY (EC X 10⁶): 550 8. PERCENT SODIUM: 2.75
6. SODIUM (SAR): 0.10

Requirements:

The area mapped Arvilla Sioux Complex 6-15% slope (18D) shall be restricted from irrigation on slopes greater than 9%.

Poinsett-Waubay (21A) and Barnes-Svea (26B) may develop drainage, trafficability, and runoff problems when placed under irrigation. These areas shall remain in permanent vegetation. Long-term supplemental drainage may be needed. Adequate drainage shall be required, as deemed necessary; i.e., tile drains.

Please be advised, we do not consider the Swampbuster Provision when making our recommendations. Contact your local SCS or ASCS office before undertaking any drainage project.



Director, Division of Conservation

FEBRUARY 14, 1991

Date

XXX APPROVED XXX REQUIREMENTS
____ DISAPPROVED
____ WAIVER

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

Water Permit Application No. 5514-3
Boeke Brothers
April 26, 1991

Water Permit Application No. 5514-3 proposes to appropriate 1.07 cubic feet per second of water from one well 125 feet deep to irrigate 75 acres of land. The well is located 1250 feet west and 1300 feet south of the NW1/4 section 29 T115N R48W and the lands to be irrigated are located in the NW1/4 section 29 T115N R48W.

Aquifer: Big Sioux Brookings (BS:B)

The proposed diversion point will be completed into the Big Sioux Brookings management unit. The Big Sioux Brookings aquifer underlies 25,400 acres in Deuel County and contains 59,400 acre feet of recoverable water. In 1989 there was 4,832 acre feet of water appropriated with 1,028 acre feet actually pumped.

A review of observation wells in the immediate area of the proposed diversion point show the affects of seasonal precipitation and seasonal irrigation withdrawals.

There are several permits in the immediate area of the proposed project. Some of these permits withdraw water from the Pleistocene series aquifer and some from the Big Sioux aquifer. There is a question whether the Pleistocene and the Big Sioux are hydraulically connected. The proposed well location should not have an adverse affect on existing permits.

Conclusions:

1. Water is available for Water Permit Application No. 5514-3 from the Big Sioux Brookings management unit.
2. There should not be any adverse affect on existing Water Rights/Permits.
3. Observation wells exist to monitor the proposed project.



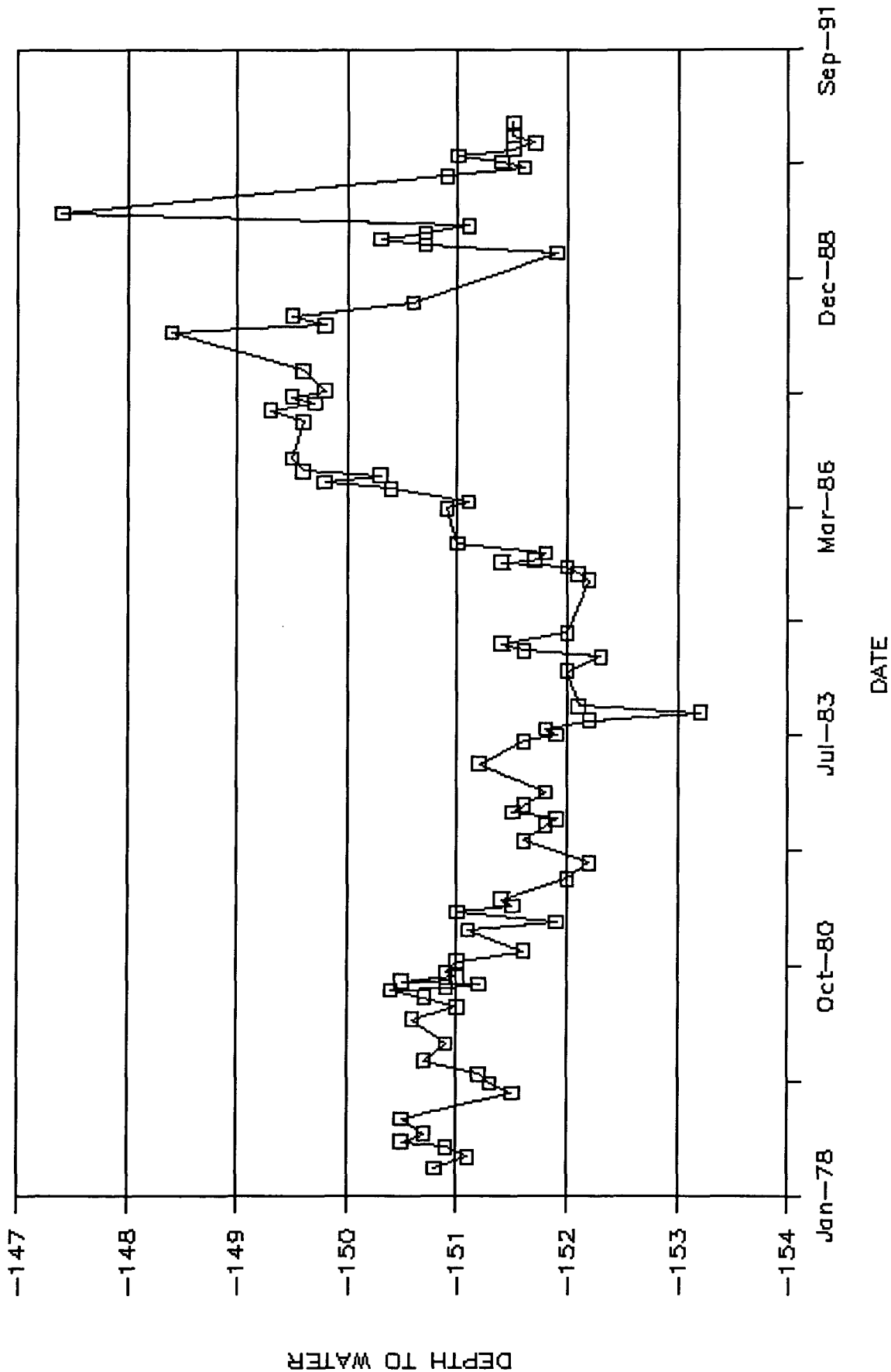
Gale N. Selken
Natural Resources Engineer IV

References:

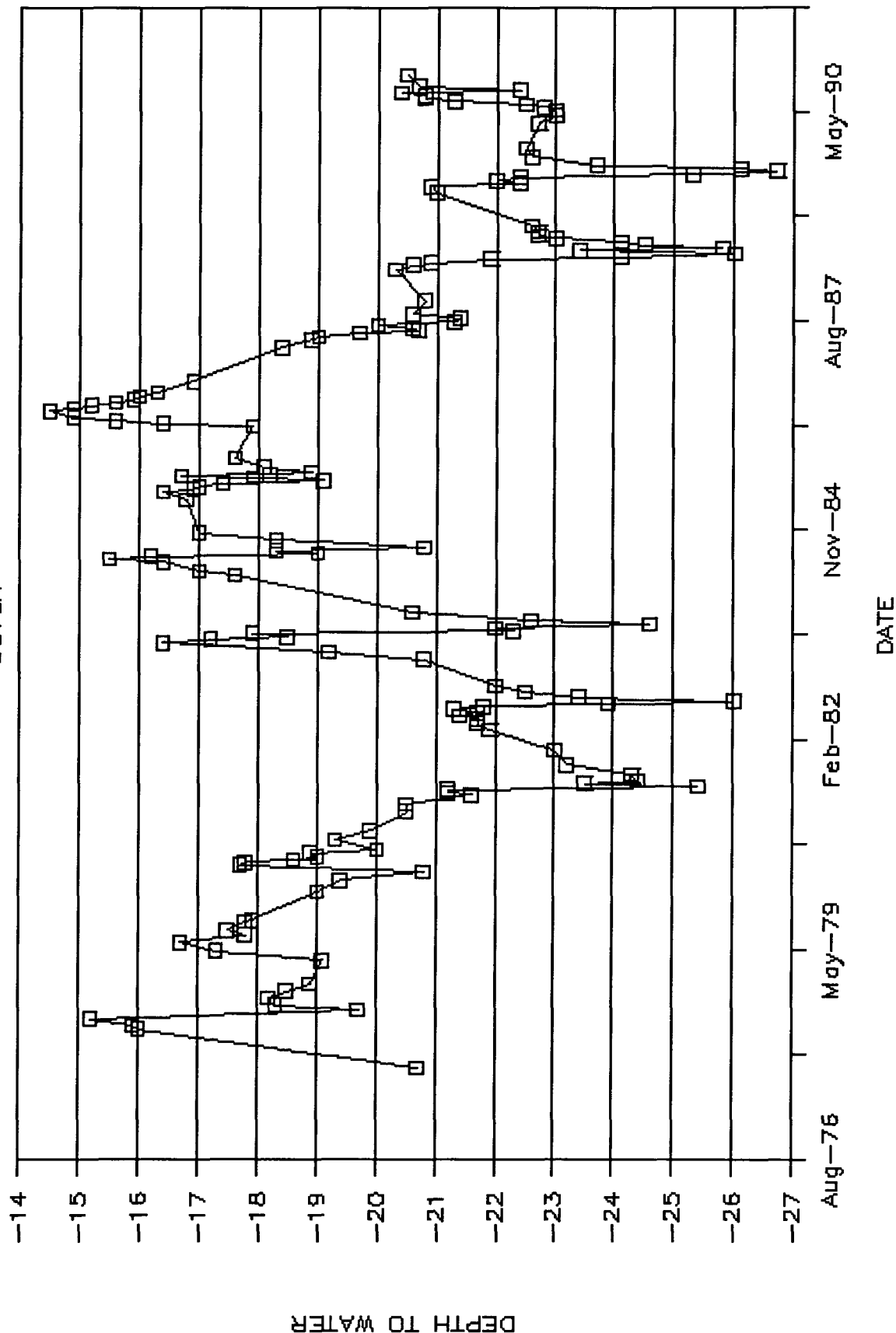
1. USGS, 1985 Water Resources of Deuel and Hamlin Counties South Dakota, U.S. Geological Survey Water-Resources Investigations Report 84-4069
2. U.S. Army Corps of Engineers, 1982 Evaluation of Ground Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, U.S. Army Corps of Engineers Contract DACW, 45-80-C-0185
3. DENR, Division of Water Rights, Observation Well records, 1991
4. DENR, Division of Water Rights, Irrigation Summary by County, 1989

DEUEL COUNTY WELLS

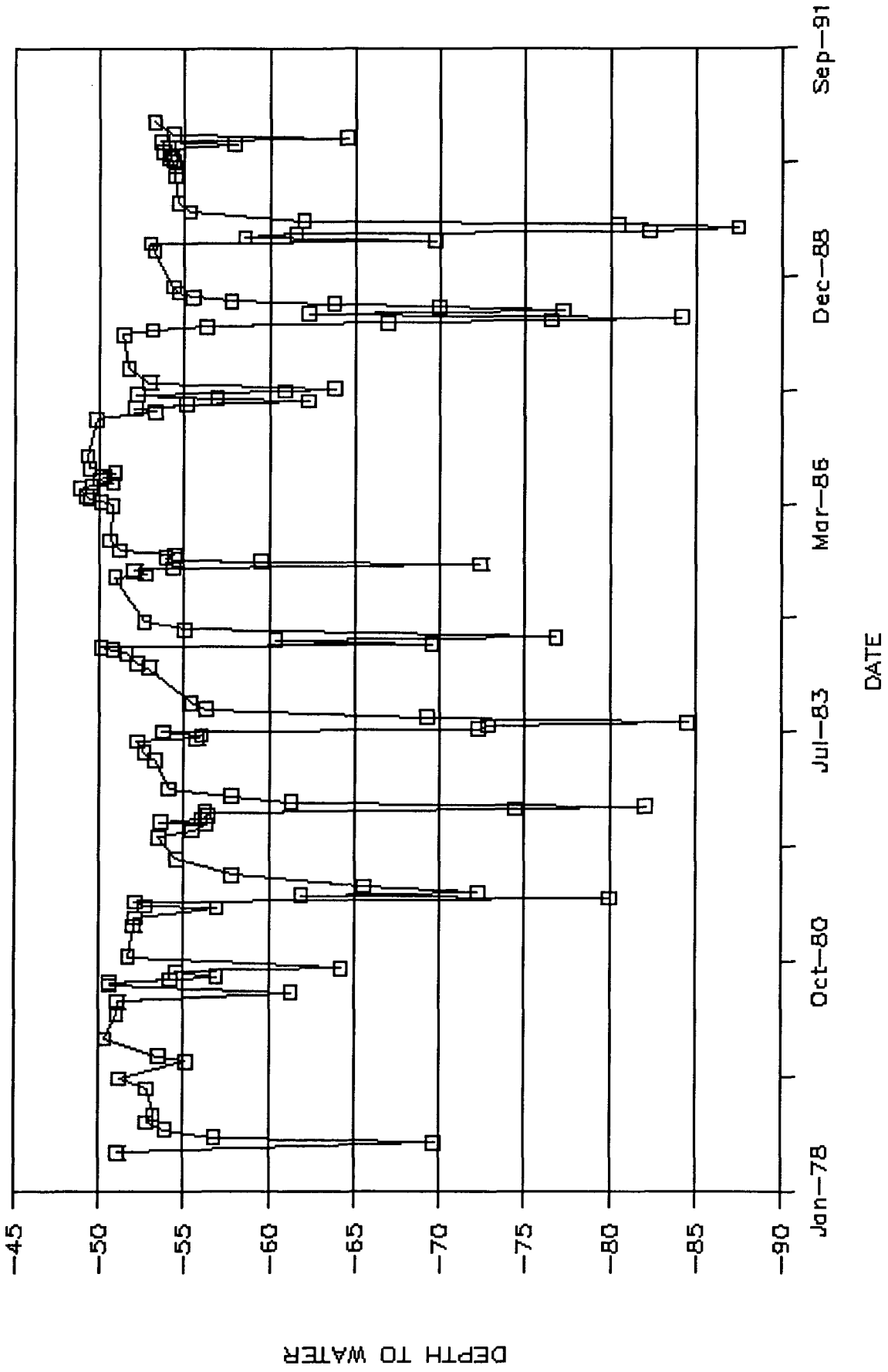
DU72A



DEUEL COUNTY WELLS DU75A

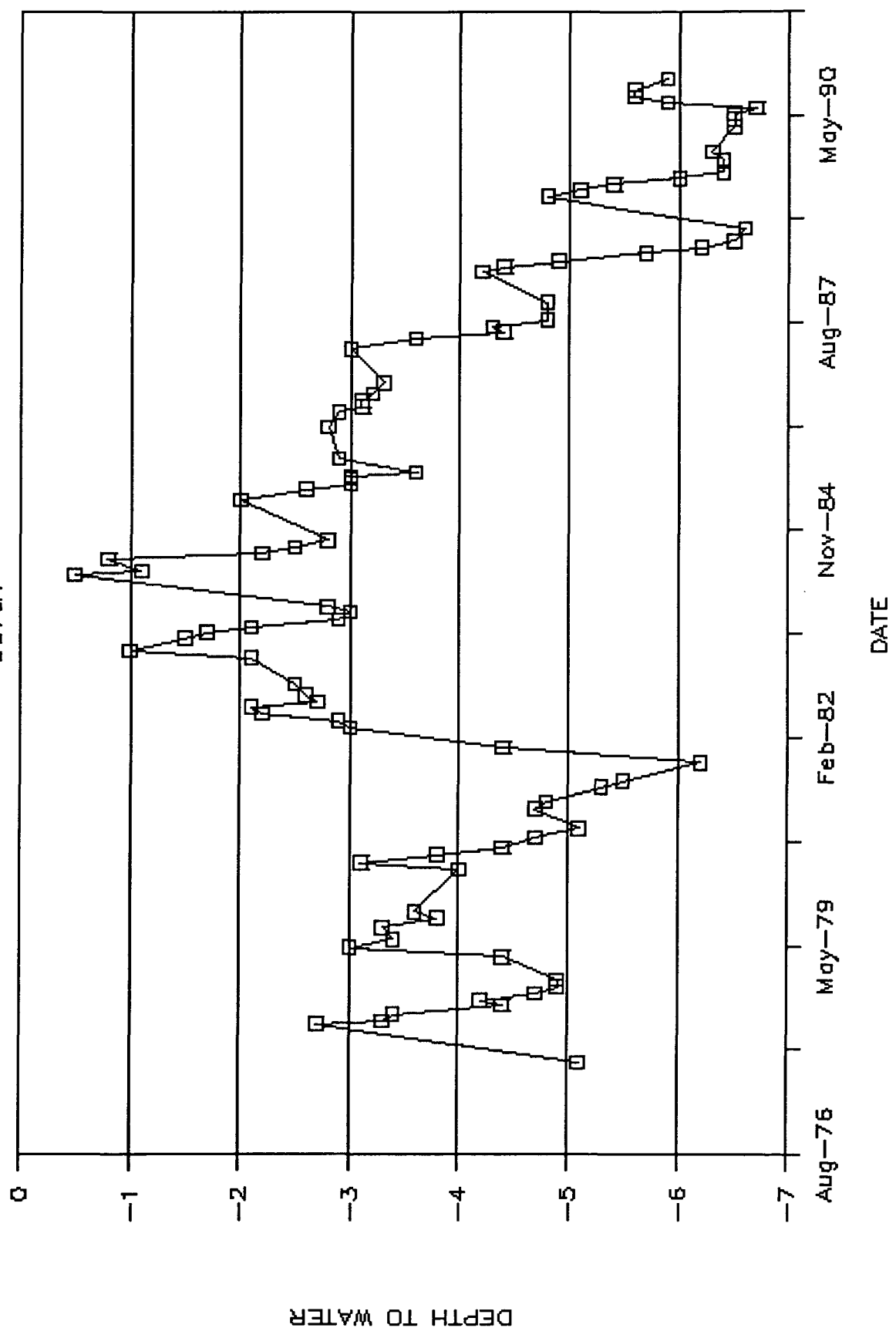


DEUEL COUNTY WELLS DU78F



DEUEL COUNTY WELLS

DU76A



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5514-3, Boeke Brothers

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. 5514-3, Boeke Brothers, RR 1, Box 171, Clear Lake, SD 57226.

The Chief Engineer is recommending APPROVAL of Application No. 5514-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) in the public interest with the following qualifications:

1. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. 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.
3. 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
April 29, 1991

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3181

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

May 15, 1991

Wayne Boeke
Boeke Brothers
RR 1 Box 171
Clear Lake, SD 57226

Dear Mr. Boeke:

Water Permit Application No. 5514-3 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 Clear Lake Courier printed at Clear Lake, 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

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.

South Dakota



GREAT FACES. GREAT PLACES.

May 15, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Clear Lake Courier
Box 277
Clear Lake, SD 57226

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5514-3 to be published twice. Please publish the first notice on May 22, 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 Boeke Brothers, RR 1, Box 171, Clear Lake, SD 57226.

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

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 May 22, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5514-3 to Appropriate Water

Notice is given that Boeke Brothers, RR 1, Box 171, Clear Lake, SD 57226 has filed an application for a water permit to appropriate 1.07 cubic feet of water per second from one well (Big Sioux:Brookings) 125 feet deep located near the center of the NW 1/4 Section 29-T115N-R48W to irrigate 75 acres located in the NW 1/4 Section 29-T115N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5514-3 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 June 10, 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. 5514-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for June 19, 1991, 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 June 19, 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 June 19, 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 June 10, 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 Deuel) ss.

 I, Gary DeJong

 certify that the attached printed Notice was taken
 from the Clear Lake Courier

 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 Clear Lake

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

May 22, 1991
May 29, 1991
Gary DeJong
 (Signature)

Publisher
 (Title)

May 30, 1991
 (Date Signed)

Michelle Guss

 My Commission Expires
 January 29, 1998

 Cost of Printing: 57.23


Notice is given that Boeke Brothers, RR 1, Box 171, Clear Lake, SD 57226 has filed an application for a water permit to appropriate 1.07 cubic feet of water per second from one well (Big Sioux: Brookings) 125 feet deep located near the center of the NW 1/4 Section 29-T115N-R48W to irrigate 75 acres located in the NW 1/4 Section 29-T115N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5514-3 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 June 10, 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.

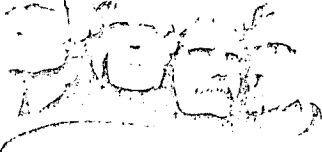
For purposes of publishing 1) the notice of hearing on Application No. 5514-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for June 19, 1991, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the June 19, 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 June 19, 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 June 10, 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.

May 22 & 29

South Dakota



GREAT FACES. GREAT PLACES.

JUL 29 1991

Wayne Boeke
Boeke Brothers
RR 1 Box 171
Clear Lake, SD 57226

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dear Mr. Boeke:

Enclosed is Water Permit No. 5514-3 authorizing construction of your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 8-5-91

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: Boeke Bros RR1 Box 171 Clear Lake S.D
name address city 57226

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5514-3.

Water Permit No. 5514-3 states that the diversion system is to be constructed by Kirrier Well Drilling, and that the water it put to beneficial use by irrigation.

The diversion system was completed on June 21, 1991.
Applying the water to beneficial use was completed on _____.

You may schedule an inspection so that the Water License may be issued.

Boeke Bros by Wayne Boeke
signature



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 1992

Ronald G. Kaiser
Kaiser Well Drilling
405 8th St SE
Watertown, SD 57201

Dear Mr. Kaiser:

This letter is in regard to a well you may have drilled for the Boeke Brothers of Clear Lake, SD in Deuel County. The legal location for the well is in the NW1/4 of Section 29 T115N-R48W. I have checked our records and have been unable to find an as completed well log for this well. If you would check your files and send me any information concerning the as completed well log for this well, it would be most appreciated.

If you have any questions or need any additional information, feel free to contact me.

Sincerely,

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

Permit No. 5514-3

MINNESOTA-WHETSTONE 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 BOEKE BROTHERS of RR1 BOX 171 CLEAR LAKE, SD holder of Permit No. 5514-3, bearing the priority of FEBRUARY 6, 1991 authorizing the diversion of 1.07 cu. ft. per second of the waters of GROUNDWATER for IRRIGATION purposes, in DEUEL County.

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

A. Works used to divert the water:

A SUBMERSIBLE PUMP WITH A 600 gpm CAPACITY

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

200 FEET OF 8 INCH ALUMINUM PIPE

C. Works used to apply water to beneficial use:

A 990 FOOT VALLEY CENTER PIVOT WITH END GUN

The system is in the following condition GOOD. The point of diversion is located FROM THE NW CORNER OF SECTION 29 T115N-R48W; 1470 FEET EAST AND 1000 FEET SOUTH. The works are capable of diverting and conveying to the place of use 1.33 cu. ft. per second of water which is to be used for IRRIGATION. Water has been put to beneficial use to the maximum extent as follows:

ALL LAND LOCATED IN SECTION 29 T115N-R48W:

NW1/4 NW1/4 - 16 ac NE1/4 NW1/4 - 35 ac SE1/4 NW1/4 - 16 ac SW1/4 NW1/4 - 8 ac

comprising a total of 75 acres of land and the license should be issued for 1.07 cfs.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: NONE

Date 4/13/1992



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

REPORT ON INSPECTION OF PERMIT NUMBER 5514-3

DATE 4/13/1992

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: FROM THE NW CORNER OF SECTION 29 T115N-R48W; 1470 feet E, 1000 feet S.

WELL INFORMATION: Well Drilling Firm KAISER WELL DRILLING

WELL LOG NOT AVAILABLE,
TEST HOLE LOG ONCB

No. of Wells 1 Depth(s) 148 feet

a) Casing: 1) diameter 12 inches

2) length 108 feet

3) type PLASTIC

c) Pump

d) Static Water Level 32 feet

e) Motor:

1) make UNKNOWN

2) model No. SUBMERSIBLE

3) horsepower rating hp

b) Screen: 1) type STAINLESS STEEL

2) length 40 feet

1) make UNKNOWN

2) model SUBMERSIBLE

3) size inches

4) capacity 600 GPM

5) turbine pump - No. of stages

6) operating pressure 35 PSI

DISTRIBUTION LINES OR CANALS:

a) type ALUMINUM

b) size 8 inches

c) length 200 feet

System Type:

a) Sideroll:

1) length feet

2) diameter of pipe inches

3) sprinkler spacing feet

b) Towline:

1) length feet

2) sprinkler spacing feet

c) Siphons:

1) size inches

2) number

d) Gated pipe:

1) length feet

2) diameter inches

3) spacing of gates inches

e) Center pivot:

1) make VALLEY

2) overall length 990 feet

3) number of towers 5

4) distance between towers feet

5) end gun Y (Y/N)

6) high or low pressure LO

7) capacity 600 GPM

f) Gun:

1) make

2) nozzle size inches

3) capacity GPM

4) hose size inches

5) hose length feet

CHEMIGATION EQUIPMENT:

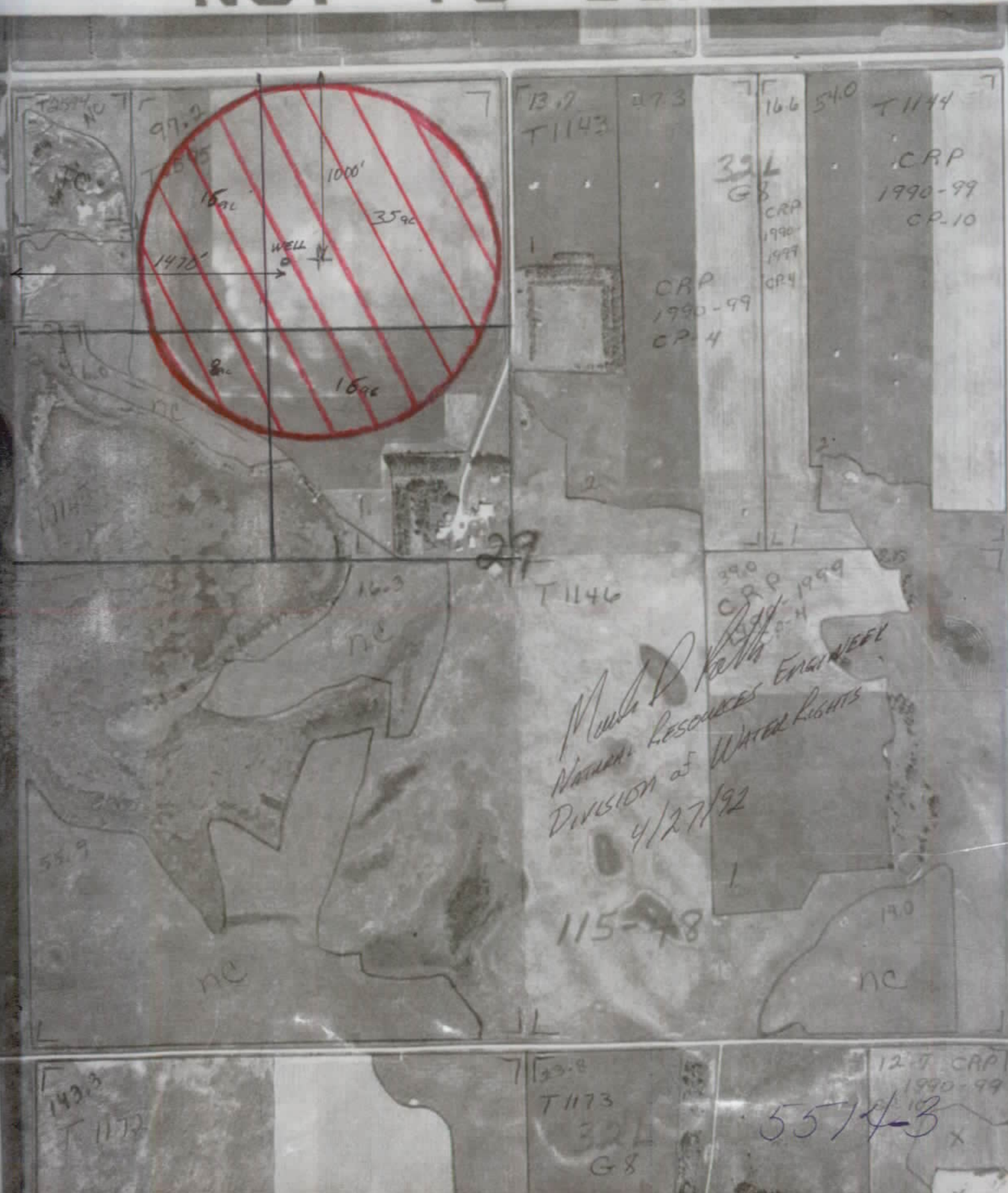
a) does chemigate N (Y/N)

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)

~~5514-3~~
5514-3

NOT TO SCALE



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5514-3

(1) Boeke Brothers, of RR #1 Box 171, Clear Lake, SD 57226 made Application No. 5514-3, February 6, 1991 for a water permit to appropriate 1.07 cubic feet of water per second from groundwater (one well), Deuel County, South Dakota for irrigation purposes. Permit No. 5514-3, with a priority date of February 6, 1991 was approved June 19, 1991 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before June 19, 1996 and for the application to beneficial use of said water on or before June 19, 2000. The permit holder submitted a "Notice of Completion of Works" on August 6, 1991 which stated the diversion system was completed on June 21, 1991.

(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 1.07 cubic feet of water per second for beneficial use. The location of the diversion point is 1470'E and 1000'S of the NW corner of Section 29, T115N, R48W (NE¼ NW¼).

(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:

T115N, R48W Section 29 NW¼ NW¼ 16 acres
 NE¼ NW¼ 35 acres
 SE¼ NW¼ 16 acres
 SW¼ NW¼ 8 acres

TOTAL 75 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Boeke Brothers of RR #1 Box 171, Clear Lake, SD 57226 the holders and/or owners of Water Permit No. 5514-3 are issued a license to appropriate water, the right to use 1.07 cubic feet of water per second from groundwater (one well) with a priority date of February 6, 1991 from the location specified in (2) of this license. The water is conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5514-3 and subject to South Dakota State Law.



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

NOV 14 1994

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 5, 1993

5514-3

Wayne Boeke
Boeke Brothers
RR 1, Box 171
Clear Lake, SD 57226

Dear Mr. Boeke:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5514-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

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

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 6, 1994

SECOND NOTICE

Permit No: 5514-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Wayne Boeke
Boeke Brothers
RR 1, Box 171
Clear Lake, SD 57226

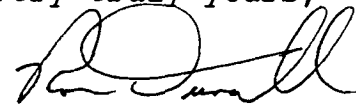
Dear Mr. Boeke:

On August 5, 1993, you were notified the final inspection fee of \$50.00 is due before Water License No. 5514-3 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,


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

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:

5514-3

Wayne Boeke
Boeke Brothers
RR 1, Box 171
Clear Lake, SD 57226

Wayne Boeke

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

P 318 052 623

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

01-08-94

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

[Signature]

RECEIPT

414140

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 21, 19 94

RECEIVED OF Neal Boeke, RR 2 Box 171, Clear Lake, SD 57226

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5514-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Blatch/gmk
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

5514-3

Wayne Boeke
Boeke Brothers
RR 1, Box 171
Clear Lake, SD 57226

Dear Mr. Boeke:

Enclosed is Water License No. 5514-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414140 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. 5514-3, 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

gm
enclosures