

Considered: _____

WATER PERMIT NO. 5537-3

Phone: 224-9394

Name of Applicant: Dale Bisson

Post Office Address: 1213 N Euclid, Pierre SD 57501

Amount of Water Claimed: 1.85 Total Acres: 130

Source of Water Supply: Missouri River

Water to be used for: irrigation County: Hughes

About 25 miles SE of Pierre

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 3-20-91 Fee: \$250.00 Remarks _____

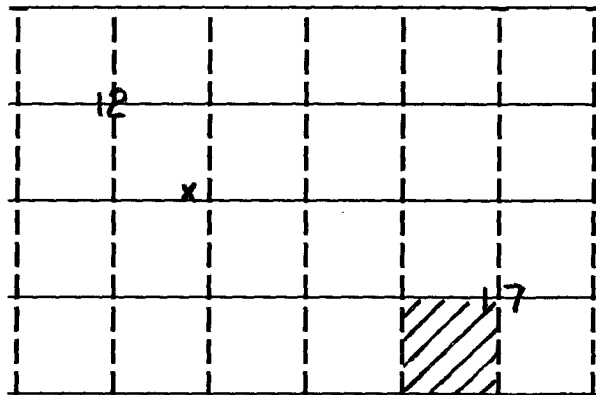
Corrected Application Received _____ Period of Annual Use April 1 - Oct 31

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

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

Diversion Point: SE 1/4 SE 1/4 12-108-76

Land to be Irrigated: SW 1/4 17-108-75



Well Log: Driller: NA Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: Deb Jones Reviewed and the Number

Assigned on 4-19-91 By Karen Schlaak

(See instructions)

No. <u>5537-3</u>	Hydrologic Unit <u>10140101</u>
Basin _____	
Newspaper <u>Daily Capitol Journal, Box 878</u>	

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 _____

1. Name of Applicant Dale Bisson Phone No. 224-9394

Post Office Address 1213 N. Euclid Pierre State SD 57501
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 1.85 cfs Total acres irrigated 130 acres

3. Source of Water supply Missouri River

4. Location of point of diversion SE¹/₄ SE¹/₄ Section 12, T 108N - R 76W

County Hughes

5. Counties where water will be used Hughes

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.
<u>SW¹/₄ Section 17, T108N, R75W</u>	<u>130</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: _____

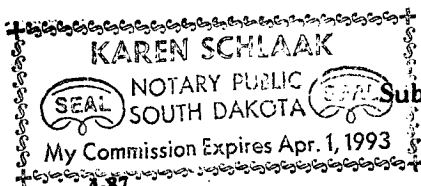
10. Give a description of proposed project. (Attach sheet if more-space is needed)



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 Hughes)^{ss}

I, Dale Bisson, 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 Dale Bisson

Subscribed and sworn to before me this 20th day of March 1991

Karen Schlaak
Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5537-3 FOR IRRIGATION**

Date of first receipt of application March 20, 1991.

Date Soil/Water Compatibility Permit received April 22, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5537-3 to Dale Bisson, 1213 N Euclid, Pierre SD 57501 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. 5537-3 appropriates 1.85 cubic feet of water per second from the Missouri River to irrigate 130 acres. The location of the point of diversion will be in the SE 1/4 SE 1/4 Section 12-T108N-R76W and the land to be irrigated is located in the SW 1/4 Section 17-T108N-R75W.
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 March 20, 1991.
4. The date of approval of Permit No. 5537-3 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.

QUALIFICATION

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412605

Pierre, March 20, 19 91

RECEIVED OF Dale Bisson, 1213 N Euclid, Pierre, SD 57501

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

Fee for Application for Permit No. <u>5537-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	250	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	250 00

By

John Hatch / gm
Chief Engineer

DEPARTMENT OF THE ARMY
EASEMENT FOR RIGHT OF WAY
(PIPELINE)



ON BIG BEND DAM/LAKE SHARPE, SOUTH DAKOTA

NO. DACW45-2-80-6118

THE SECRETARY OF THE ARMY, under and by virtue of the authority vested in him by Title 10, United States Code, Section 2669, hereby grants to Dale Bisson, 603 North Euclid, Pierre, South Dakota 57501

hereinafter designated as the grantee, for a period ~~not exceeding~~ coextensive with South Dakota ~~() years from the date hereof, an easement for a right-of-way for~~ State Water Rights Permit No. 1089-3, held by grantee, from the date hereof, an easement for a right-of-way for the installation, operation and maintenance of a 14-inch portable intake pipeline and 12-inch underground exhaust pipeline with two 180 H.P. diesel pumps and motors mounted on a concrete pad, for irrigation purposes, over, across, in, and upon land under the control of the Secretary of the Army at the location shown in red on Exhibit "A" attached hereto and made a part hereof, and described as follows:

A parcel of land 40 feet wide in the SE $\frac{1}{4}$ of Section 12, Township 108 North, Range 76 West, Hughes County, South Dakota, lying 20 feet on each side of the following described line; commencing at the Southeast corner of the SE $\frac{1}{4}$ of Section 12; thence North along the East Section line of Section 12 a distance of 94 feet to the P.O.B.; thence West parallel to the South Section line of Section 12 to the shoreline of Lake Sharpe, containing 0.573 acres, more or less.

THIS EASEMENT is granted subject to the following conditions;

1. *The grantee shall pay to the United States compensation in the amount of* One Hundred Thirty-five and no/100-----Dollars (\$ 135.00) *for the full term, payable* in advance. *Compensation shall be made payable to the Treasurer of the United States and forwarded by the grantee to the District Engineer, Omaha District, Corps of Engineers, 6014 U.S. Post Office & Courthouse, Omaha, Nebraska 68102.*

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation



Office Use Only

4588

WR#

OWNERS NAME: DALE BISSONOWNERS ADDRESS: 1213 NORTH EUCLIDPIERRE, SD 57501COUNTY LAND LOCATED IN: HUGHES PHONE: 224-9394

LEGAL DESCRIPTION:

☐ Well☒ Surface1. LOCATION: SE $\frac{1}{4}$ SE $\frac{1}{4}$ 12-T108N-R76W - Missouri River

Depth: _____

Legal Description	Acres	Legal Description	Acres
<u>SW$\frac{1}{4}$ 17-T108N-R75W</u>	<u>130</u>		

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

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: Missouri River

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): _____

8. PERCENT SODIUM: _____

6. SODIUM (SAR): _____

Requirements:

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a Soil and Water Compatibility Permit by the Division, or the Commission.

XXX APPROVED

____ DISAPPROVED

____ WAIVER

XXX REQUIREMENTS

[Signature]
Director, Division of Conservation

APRIL 18, 1991

Date

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

REPORT ON APPLICATION NO. 5537-3
DALE BISSON
APRIL 26, 1991

Application No. 5537-3, Dale Bisson, proposes to appropriate 1.85 cubic feet of water per second (cfs) from the Missouri River for irrigation purposes. The diversion point is to be located in the SE 1/4 SE1/4 of Section 12-T108N-R76W in Hughes County. The 130 irrigated acres is located in the SW 1/4 of Section 17-T108N-R75W.

Water Source

The water source is the Missouri River. The Missouri River is known to have ample supplies of unappropriated water available.

Review of Existing Water Rights/Permits

There are numerous water rights/permits diverting from the Missouri River below Application No. 5537-3. Because there is ample water in the Missouri River, Application No. 5537-3 is unlikely to cause adverse effects on the downstream water rights/permits. There have been no complaints reported on the Missouri River.

Conclusions

1. The Missouri River is known to have ample supplies of unappropriated water available; therefore, water is available from the Missouri River to meet the needs of Water Permit Application No. 5537-3 during the irrigation season.
2. Water is to be used for beneficial use.
3. If the Water Permit Application No. ⁵⁵³⁷⁻³~~1089A-3~~ is approved, it should contain the following qualification:

Subject to the irrigation questionnaire being submitted every year.

Norma C. Job

Norma C. Job
Natural Resource Engineer I

Approved by:

Delvin D. Brosz

Delvin D. Brosz, PE
Natural Resource Engineer IV

References

1. Ahadi, M. Rassool, 1990, Report on Application No. 5370-3, Division of Water Rights, South Dakota Department of Water and Natural Resources.

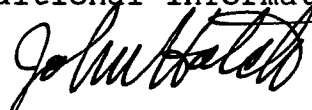
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5537-3, Dale Bisson

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. 5537-3, Dale Bisson, 1213 N Euclid, Pierre, SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 5537-3 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 qualification:

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

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", is written over the printed name.

JOHN HATCH, Chief Engineer
May 10, 1991



**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 16, 1991

Dale Bisson
1213 N Euclid
Pierre, SD 57501

Dear Mr. Bisson:

Water Permit Application Nos. 1089A-3 and 5537-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Daily Capitol Journal printed at Pierre, SD. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

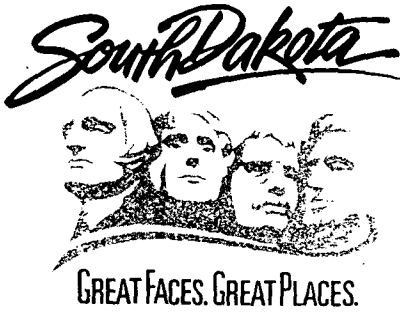
Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur 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 applications.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 16, 1991

Daily Capitol Journal
PO Box 878
Pierre, SD 57501

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 1089A-3 and 5537-3 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 Dale Bisson, 1213 N Euclid, Pierre, SD 57501.

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 applications 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 Nos. 1089A-3 and 5537-3

Notice is given that Dale Bisson, 1213 N Euclid, Pierre, SD 57501 has filed applications for water permits.

Water Permit No. 1089A-3 is to change the location of the point of diversion on Water Right No. 1089-3. Water Right No. 1089-3 appropriates 5.64 cubic feet of water per second from the Missouri River. The point of diversion was to be located 1360 feet west of the E 1/4 corner, Section 12-T108N-R76W to irrigate 395 acres located in Lot 1, NE 1/4 NE 1/4, SE 1/4 NE 1/4 Section 12-T108N-R76W; NW 1/4, SW 1/4 Section 7-T108N-R75W. The correct location of the point of diversion is the SE 1/4 SE 1/4 Section 12-T108N-R76W. This application does not authorize any increase in diversion rate or acres irrigated.

Water Permit No. 5537-3 is to appropriate 1.85 cubic feet of water per second from the Missouri River to irrigate 130 acres. The location of the point of diversion will be in the SE 1/4 SE 1/4 Section 12 T108N-R76W and the land to be irrigated is located in the SW 1/4 Section 17; all in T108N-R75W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1089A-3 and 5537-3 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 applications or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications 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 Nos. 1089A-3 and 5537-3 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 these applications are opposed or the recommendations are 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 applications. The request for an automatic delay must be filed by June 10, 1991.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications 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 these applications or to assure access to the hearing by the handicapped.

These applications are 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Public Notices**PROOF OF PUB**

STATE OF SOUTH DAKOTA)
County Hughes) ss.

I, Peggy Warner
certify that the attached printed Notice
from the Capital Journal

A newspaper which during the whole time
said notice herein after stated, has been an
published in the Pierre

City of Pierre

County of Hughes and State of
that the said notice was published in said n
following two dates:

May 22, 1991

May 29, 1991

Peggy Warner
(Signature)

Legal Ad Rep
(Title)

May 30, 1991
(Date Signed)

Cost of Printing:

155 lines @
\$68.00

5-88

No. 5296 2dly 5/22, 5/29
NOTICE OF HEARING
on Application Nos. 1089A-3
and 5537-3

Notice is given that Dale Bisson,
1213 N. Euclid, Pierre, S.D. 57501
has filed applications for water per-
mits.

Water Permit No. 1089A-3 is to
change the location of the point of
diversion on Water Right No. 1089-
3. Water Right No. 1089-3 appro-
priates 5.64 cubic feet of water per-
second from the Missouri River.
The point of diversion was to be lo-
cated 1360 feet west of the E 1/4
corner, Section 12-T108N-R76W to
irrigate 395 acres located in Lot 1,
NE 1/4 NE 1/4, SE 1/4 NE 1/4 Sec-
tion 12-T108N-R76W; NW 1/4, SW
1/4 Section 7-T108N-R75W. The
correct location of the point of di-
version is the SE 1/4 SE 1/4 Section
12-T108N-R76W. This application
does not authorize any increase in
diversion rate or acres irrigated.

Water Permit No. 5537-3 is to
appropriate 1.85 cubic feet of water
per second from the Missouri River
to irrigate 130 acres. The location
of the point of diversion will be in
the SE 1/4 SE 1/4 Section 12-
T108N-R76W and the land to be ir-
rigated is located in the SW 1/4 Sec-
tion 17; all in T108N-R75W.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends AP-
PROVAL of Application No.
1089A-3 and 5537-3 because 1) ex-
isting rights will not be unlawfully
impaired, 2) it is a beneficial use of
water, and 3) it is in the public in-
terest. Unless a petition is filed op-
posing the applications or the appli-
cant files a petition contesting the
chief engineer's recommendation,
the Water Management Board will
NOT CONDUCT a HEARING to
consider these applications and the
chief engineer will issue the per-
mits as recommended. Petitions
filed in support of the applications
will NOT require the Board to hear
the applications.

Any person interested in oppos-
ing or supporting these applica-
tions 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.

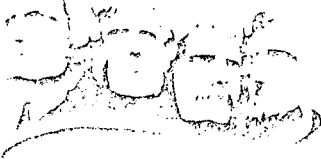
The Chief Engineer's address is
"Water Rights Division, Foss Build-
ing, 523 E. Capitol, Pierre S.D.
57501 (605 773-3352)" and the ap-
plicant's mailing address is given
above. A petition filed by either an
interested person or the applicant
must be filed by June 10, 1991. The
petition may be informal, but must
include a statement describing the
petitioner's interest in the applica-
tion, the petitioner's reasons for op-
posing or supporting the applica-
tion, and the signature and mailing
address of the petitioner or the peti-
tioner's legal counsel, if legal coun-
sel is obtained.

For the purposes of publishing
1) the notice of hearing on Applica-
tion Nos. 1089A-3 and 5537-3 and
2) the chief engineer's recommen-
dation, a special Board meeting is
scheduled for June 19, 1991, at 9:00
a.m. in Room 413, Joe Foss Build-
ing, 523 E. Capitol, Pierre, S.D. If
these applications are opposed or
the recommendations are consent-
ed, 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 Divi-
sion 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 applications. The request for an
automatic delay must be filed by
June 10, 1991.

If a hearing is held, the Chief En-
gineer's recommendations are not
final or binding upon the Board.
The Board is authorized to 1) ap-
prove, 2) approve with qualifica-
tions, 3) defer, or 4) deny these ap-
plications based on the facts
presented at the public hearing.
Any hearing will be an adversary
proceeding. Any person filing a pe-
tition 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 Cir-
cuit Court and State Supreme
Court as provided by law. Contact
the Water Rights Division to re-
quest copies of information pertain-
ing to these applications or to as-
sure access to the hearing by the
handicapped.

These applications are 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; and Board Rules ARSD
74:02:01:01 thru 74:02:01:15.

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 29 1991

Dale Bisson
1213 N Euclid
Pierre, SD 57501

Dear Mr. Bisson:

Enclosed is Water Permit No. 5537-3 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.

South Dakota

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 9, 1991

Dallas Moon
Corps of Engineers
Real Estate Project Office
Federal Building
PO Box 670
Pierre, SD 57501-0670

Dear Mr. Moon:

Enclosed are copies of transfers filed on December 6, 1991, with Water Permit Nos. 1089A-3 and 5537-3 and Water Right No. 1089-3. They were transferred from Dale Bisson to Gary, David and Donald Nachtigal, Platte, SD.

If you have any questions, please contact.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 9, 1991

Gary Nachtigal
RR #3 Box 61
Platte, SD 57369

RE: 1991 Irrigation Questionnaires for Nos. 1089-3, 1089A-3 and
5537-3

Dear Mr. Nachtigal:

Enclosed are 1991 irrigation questionnaires for the above
referenced permits. The questionnaires were mailed in October to
Dale Bisson and should have been sent directly to you.

Please complete the forms and return them to our office by
December 31, 1991. I have included a postage paid envelope for
your convenience in returning the forms.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

encl

South Dakota

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 26, 1991

1089-3
1089A-3
5537-3

Mary Nachtigal
RR #3 Box 171
Platte, SD 57369

Dear Ms Nachtigal:

Enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Right No. 1089-3 and Water Permit Nos. 1089A-3 and 5537-3. They are currently listed in the name of Dale Bisson. It is our understanding that Nachtigal Farms now owns the land described in these permits.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5537-3

Date: Dec. 3, 1991

I\We request that Water Permit No. 5537-3

formerly owned by: Dale Bisson

be transferred to: (name & address) Gary Nachtigal, David Nachtigal,
Donald Nachtigal - Platte, SD (Telephone No.) 726-3135
RR #3 Box 171

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

SW 1/4 Section 17, T108N, R75W

I\We understand that the validity of Water Permit No. 5537-3 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 Charles Mix)

I\We Gary Nachtigal 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.

Gary Nachtigal
(Signed)

Subscribed and sworn to before me this 3rd day of December, 19 91.

Louis J. Smith
(Notary Public)
My Commission Expires 3-6-94

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

Division of Water Rights

South Dakota Department of Water and Natural Resources

412949

Pierre, December 6, 1991

RECEIVED OF Anita Nachtigal (Nachtigal Farms, Inc) RR 3 Box 171, Platte, SD 57369

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. _____		
Fee for Filing Transfer Form <u>Water Permit No. 5537-3</u>	2	50
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	2 50

By

Chief Engineer

John Hatch / mk



January 2, 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

No. 1089-3
1089A-3
5537-3

Anita Nachtigal
Nachtigal Farms, Inc.
RR 3, Box 171
Platte, SD 57369

Dear Ms. Nachtigal:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right No. 1089-3, Water Permit No. 1089A-3, and Water Permit No. 5537-3.

Our records now show Gary, David, and Donald Nachtigal as the owner of Water Right No. 1089-3, Water Permit No. 1089A-3, and Water Permit No. 5537-3.

Sincerely,

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

enclosure

5537-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

NOTICE

TO: GARY/DAVID/DONALD NACHTIGAL
RR 3 BOX 171
PLATTE SD 57369

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

RE: Violation of Water Permit No(s) 1089-3, 1089A-3 & 5537-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1089-3, 1089A-3 & 5537-3. 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) 1089-3, 1089A-3 & 5537-3 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) 1089-3, 1089A-3 & 5537-3 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

GARY/DAVID/DONALD NACHTIGAL
RR 3 BOX 171
PLATTE SD 57369

4a. Article Number

P906 520 150

b. Service Type

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

c. Date of Delivery

1-30-93

5. Signature (Addressee)

Donita Nachtigal

6. Signature (Agent)

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

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 1993

1089-3
1089A-3
5537-3

Gary, David & Donald Nachtigal
RR #3 Box 61
Platte, SD 57369

Dear Sirs:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires. You may disregard the January 29, 1993, **Notice of Violation of Water Permit Nos. 1089-3, 1089A-3 and 5537-3.**

The questionnaires were received in our office prior to the Water Management Board meeting, your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

5537-3



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: NACHTIGAL FARMS, INC, GARY NACHTIGAL, RR 3 BOX 61, PLATTE, SD 57369

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 1089-3, 1089A-3, 5537-3 & 5008-3, 2713-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2713-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1089-3, 1089A-3, 5537-3 & 5008-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in 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 Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1089-3, 1089A-3, 5537-3 & 5008-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2713-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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:

NACHTIGAL FARMS, INC
GARY NACHTIGAL
RR 3 BOX 61
PLATTE SD 57369

4a. Article Number

2179 157 154

4b. Service Type

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

7. Date of Delivery

1-10-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X. Mita Nachtigal

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

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 1998

Gary Nachtigal
Nachtigal Farms
RR 3 Box 61
Platte, SD 57369

RE: Water Right/Permit Nos. 1089-3, 1089A-3, 2713-3, 5008-3 & 5537-3

Dear Mr. Nachtigal:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires and chemical reporting information. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1089-3, 1089A-3, 2713-3, 5008-3 & 5537-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

Permit Nos. 1089-3, 1089A-3, 1515-3, 5008-3, and 5537-3

Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, **June 18, 2002**, made a thorough examination of the water use system constructed by **Nachtigal Farms, Inc.** of **520 Illinois, Platte, SD 57369** holder of Permit Nos. **1089-3, 1089A-3, 1515-3, 5008-3, and 5537-3**, bearing the priority of **March 24, 1964; February 15, 1968; February 2, 1984; March 20, 1991 respectively** authorizing a combined diversion of **49.19** cu. ft. per second of the waters of **Missouri River** for **Irrigation** purposes, in **Hughes** County.

Inspection contact & relationship **Jason Nachtigal, partner in Nachtigal Farms Inc.**
to permit holder, if applicable:

A. Works used to divert the water:

NORTH PUMP SITE: Located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1-T108N-R76W.

Pump: For center pivot #'s 1 – 9 authorized by Permit No. 5008-3.

- 1) Make **2-Cornell; 1-Cornell**
- 2) Model **8H-200-4**
- 3) Capacity **9,100 gpm including all 5 pumps**

Motor:

- 1) Make **2-Marathon Electric; 1-Marathon Electric**
- 2) Model No. **NN445TTD57635AR-W; BA404TTDS7948AP-W**
- 3) Horsepower rating **200 each; 100** hp

Pump: For flood irrigation authorized by 5008-3, 1089-3, and 1089A-3.

- 1) Make **2-Cornell**
- 2) Model **5HH65B4-2**
- 3) Capacity **9,100 gpm including all 5 pumps**

Motor:

- 1) Make **2-John Deer diesel**
- 2) Model No. **RG6076A113145**
- 3) Horsepower rating **180 each** hp

SOUTH SITE: Located in the SE¼ SE¼ Section 12-T108N-R76W.

Pump: For center pivot #'s 10 - 13 authorized by Permit Nos. 1089-3, 1089A-3, 1515-3, and 5537-3.

- 1) Make 2-Conell
- 2) Model 8H-200-4
- 3) Capacity 2,750 gpm each

Motor:

- 1) Make 2-Marathon Electric
- 2) Model No. 44PTBS76638-AW
- 3) Horsepower rating 150 each hp

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

- | | | |
|----------------------|--------------------------|------------------------------|
| 1) Type <u>steel</u> | 2) Size <u>36</u> inches | 3) Length <u>360</u> feet |
| 1) Type <u>pvc</u> | 2) Size <u>24</u> inches | 3) Length <u>8,500</u> feet |
| 1) Type <u>a.c.</u> | 2) Size <u>16</u> inches | 3) Length <u>1,930</u> feet |
| 1) Type <u>pvc</u> | 2) Size <u>12</u> inches | 3) Length <u>4,940</u> feet |
| 1) Type <u>pvc</u> | 2) Size <u>10</u> inches | 3) Length <u>19,600</u> feet |

C. Works used to apply water to beneficial use:

Center pivot: pivot #'s 1 - 4 and 6 - 13

- 1) Make 12 - Batley
- 2) Overall length 1,320 feet
- 3) Number of towers 9
- 4) End gun yes
- 5) High or low pressure hi and low
- 6) Capacity 800 to 850 GPM

Center pivot: pivot #5

- 1) Make Batley
- 2) Overall length 2,200 feet
- 3) Number of towers 14
- 4) End gun yes
- 5) High or low pressure hi
- 6) Capacity 2,000 GPM

Gated Pipe: flood irrigation

- 1) Length 5,100 feet
- 2) Diameter 10 inches
- 3) Spacing of gates 30 inches
- 4) Capacity 1,000 GPM

Chemigation Equipment: Chemigates with nitrogen at the center pivots, however all points of injection are ½ to 2½ miles from the water source with booster pumps and check valves between.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes
- 3) Exceptions to compliance are: none

The system is in good condition with the point(s) of diversion located as follows **the north pump site is located 1,875' W of the SE corner in the SW¼ SE¼ Section 1-T108N-R76W and the south pump site is located 550' W of the SE corner in the SE¼ SE¼ Section 12-T108N-R76W.** The works are capable of diverting and conveying to the place of use 32.44 cu.ft. per second from the Missouri River and 29.33 cu. ft. per second through the irrigation systems which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Lands authorized by Permit Nos. 1089-3 and 1089A-3:

Section 7-T108N-R75W

NE NW 32 acres	NE SW 32 acres
NW NW 39 acres	NW SW 40 acres
SW NW 40 acres	SW SW 33 acres
SE NW 33 acres	SE SW 33 acres

Section 12-T108N-R76W

NE NE 40 acres	NE SE 6 acres
NW NE 2 acres	
SE NE 30 acres	

Lands authorized by Permit No. 1515-3:

Section 18-T108N-R75W

NE NE 32 acres
NW NE 32 acres
SW NE 33 acres
SE NE 33 acres

Lands authorized by Permit No. 5537-3:

Section 17-T108N-R75W

NE SW 32 acres	SW SW 33 acres
NW SW 32 acres	SE SW 33 acres

Lands authorized by Permit No. 5008-3:
Section 6-T108N-R75W

NE NE 1 acre	NE SW 40 acres
NW NE 12 acres	NW SW 27 acres
SW NE 33 acres	SW SW 40 acres
SE NE 31 acres	SE SW 38 acres

NE NW 32 acres	NE SE 40 acres
NW NW 32 acres	NW SE 37 acres
SW NW 33 acres	SW SE 26 acres
SE NW 33 acres	SE SE 21 acres

Section 7-T108N-R75W

NE NE 32 acres	NE SE 32 acres
NW NE 32 acres	NW SE 32 acres
SW NE 33 acres	SW SE 33 acres
SE NE 33 acres	SE SE 33 acres

Section 8-T108N-R75W

NE NW 32 acres	NE SW 32 acres
NW NW 32 acres	NW SW 32 acres
SW NW 33 acres	SW SW 33 acres
SE NW 33 acres	SE SW 33 acres

Section 1-T108N-R76W

NE NE 32 acres	NE SE 37 acres
NW NE 32 acres	NW SE 14 acres
SW NE 33 acres	SW SE 14 acres
SE NE 33 acres	SE SE 37 acres

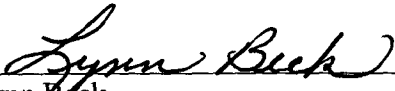
comprising a total of **1,848** acres of land and the license should be issued for **32.44 cu.ft. per second from the Missouri River and 29.33 cu. ft. per second applied to the land.**

All structures, diversion points and lands on map **yes**

Comments or other permit(s) associated with the project:

Water applied at 1 cfs per 70 acres to 1,848 acres is 26.4 cfs, however the irrigation systems may require more than the 1 cfs per 70 acre limit. There are 113 acres of flood irrigation and a large ½ circle center pivot that require more than the 1 cfs per 70 acres. The smaller center pivots operate between 800 and 850 gpm. The total 29.33 cfs includes the maximum rate of 850 gpm for 12 center pivots. The 32.44 cfs from the river is required to get the water to the center pivots and booster pumps.

Permit Nos. 1089-3, 1089A-3, 1515-3, 5008-3 and 5537-3 should be incorporated upon licensing.



Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: **July 9, 2002**

Licensing of Acreage Outside of Permitted Area

NAME: Nachtigal Farms Inc.

ADDRESS: 520 Illinois, Platte, SD 57369

DATE: July 8, 2002 **COUNTY:** Hughes **TELEPHONE:** (605) 337-3619

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is **360** acres as compared to **395** acres authorized by the permit. Licensing of the permit will result in a reduction in the amount of water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The contiguous property that is irrigated consists of 6 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, T108N-R76W. The permitted acres are located in the W $\frac{1}{2}$ Section 7-T108N-R75W and portions of the NE $\frac{1}{4}$ of Section 12-T108N-R76W.

- **Owned by Same Property Owner**

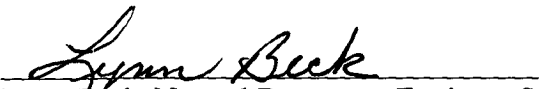
yes

- **Developed Prior to Expiration of Construction Period**

Has always been flood irrigated with acres permitted in Section 12, T109N-R76W.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the **8-acre** area be included in the water license.



Lynn Beck, Natural Resources Engineer Specialist
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer
Water Rights Program

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Nachtigal Farms Inc.

ADDRESS: 102 Illinois Platte SD 57369

DATE: June 28, 2002

COUNTY: Hughes

TELEPHONE: (605) 337-3619

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Yes, a diversion point from the Missouri River has been added to the irrigation project authorized by 1089-3 and 1089A-3. The current diversion authorized by 1089A-3 is located in the SE¼ SE¼ Section 12, an additional diversion point is located in the SW¼ SE¼ Section 1, all in T108N-R76W.

- **If irrigation, no new land is irrigated**

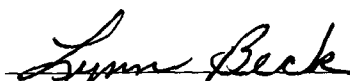
Eight acres contiguous to already permitted acres are irrigated from the additional diversion point, see report on "Licensing of Acreage Outside of Permitted Area" File No. 1089-3 and 1089A-3.

- **Review of Existing Diversions**

1515-3, 5008-3, and 5537-3 belong to Nachtigal Farms Inc. and share diversion points with 1089-3 and 1089A-3. Water Right Nos. 1031-3 and 1036-3 belong to Dale and Mary Bisson. The diversion points for these two water rights are located 3 to 4.5 miles from the additional diversion point used by 1089-3 and 1089A-3.

RECOMMENDED ACTION

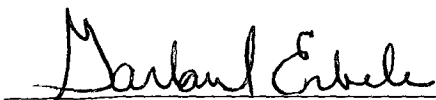
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Lynn Beck, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Nachtigal Farms Inc.

ADDRESS: 520 Illinois, Platte, SD 57369

DATE: July 8, 2002 **COUNTY:** Hughes **TELEPHONE:** (605) 337-3619

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Yes, the permitted diversion point at the Missouri River was located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13 and the current diversion point is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12 all in T108N-R76W.

- **If irrigation, no new land is irrigated**

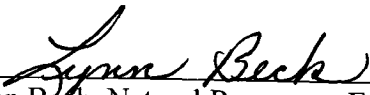
No new lands are irrigated.

- **Review of Existing Diversions**

Water Permit No. 5537-3 and portions of 1089-3 and 1089A-3 share the same diversion point with 1515-3. Water Permit No. 5008-3 and portions of 1089-3 and 1089A-3 use a diversion point located one mile north of this diversion all owned by Nachtigal Farms Inc. Dale and Mary Bisson own Water Right Nos. 1031-3 and 1036-3. The diversion points for these two water rights are located 2 to 3.5 miles from the diversion used by 1515-3.

RECOMMENDED ACTION

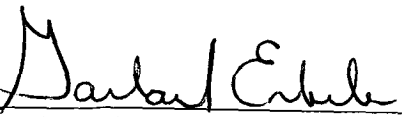
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Lynn Beck, Natural Resources Engineer
Water Rights Program

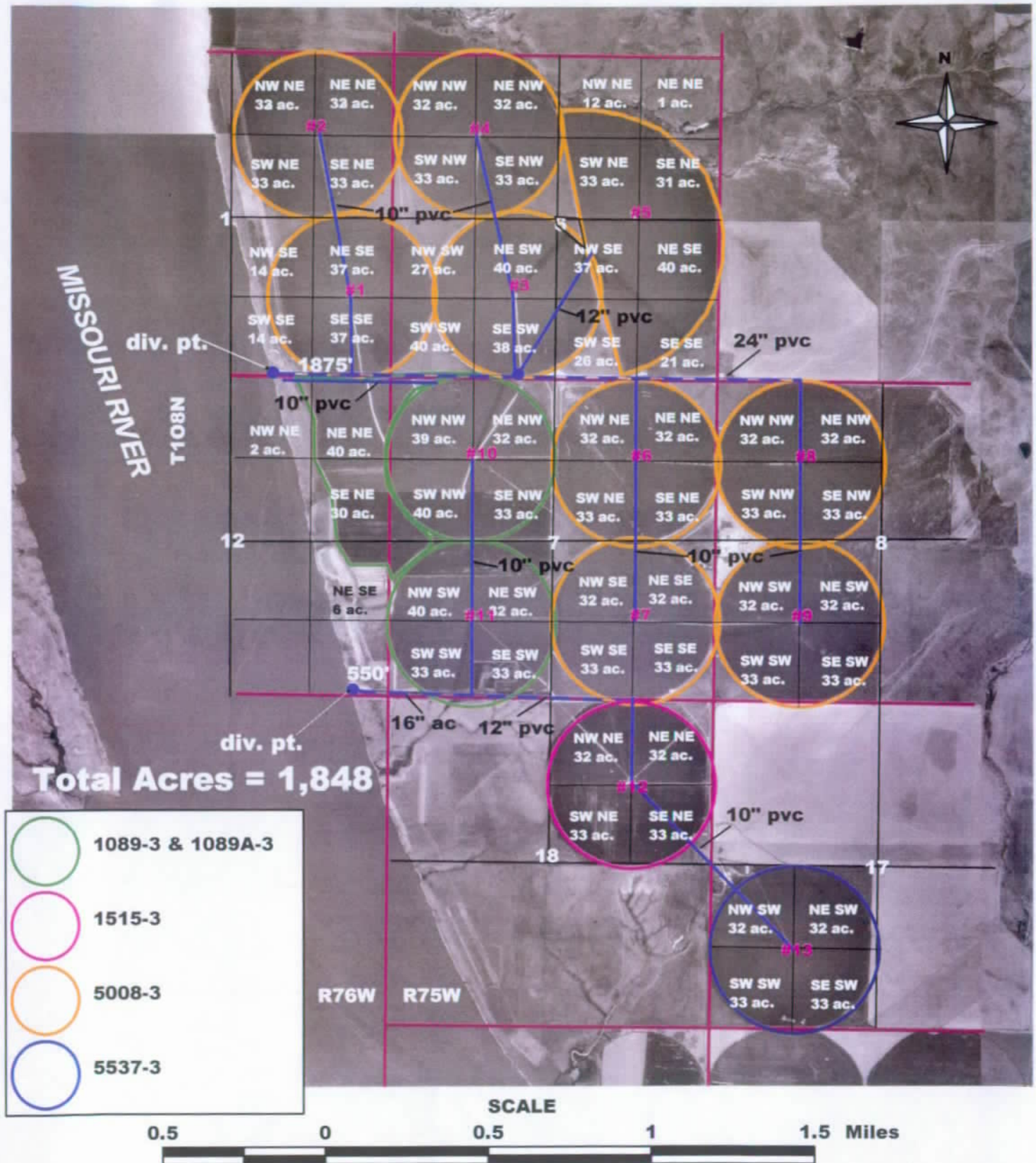
The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.

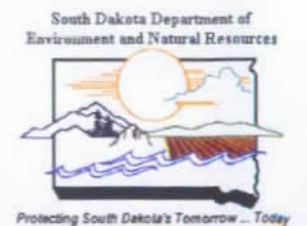


Garland Erbele, Chief Engineer
Water Rights Program

**Water Permit Nos. 1089-3, 1089A-3,
1515-3, 5008-3, and 5537-3**



Lynn Beck
Lynn Beck
 Natural Resources Engineer Specialist
 DENR, Water Rights
 July 9, 2002



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5537-3

(1) Dale Bisson, Pierre SD made Application No. 5537-3, March 20, 1991 for a water permit to divert 1.85 cubic feet of water per second (cfs) from the Missouri River, Hughes County, South Dakota for irrigation purposes. Permit No. 5537-3, with a priority date of March 20, 1991 was approved June 19, 1991 and issued to the applicant 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.

On December 6, 1991, Water Permit No. 5537-3 was transferred to Nachtigal Farms, Inc.

Permits associated with this water use system:

- Water Permit No. 1089-3 – with a priority date of March 24, 1964, authorizes 5.64 cfs to irrigate 395 acres;
- Water Permit No. 1089A-3 changed the location of the diversion point authorized by 1089-3;
- Water Permit No. 1515-3 – with a priority date of February 15, 1968, authorizes 18.6 to irrigate 1302.5 acres;
- Water Permit No. 5008-3 – with a priority date of February 4, 1984, authorizes 23.10 cfs to irrigate 1620 acres.

The statutory limit for irrigation of the total 1,848 acres is 26.4 cfs, however two of the irrigation systems require more water than the statutory limit to operate. The applicable portions of Nos. 1089-3, 1089A-3, 1515-3 and 5008-3 are incorporated into No. 5537-3.

(2) It is certified that the permit holder 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 32.44 cfs for beneficial use from the Missouri River with 29.33 cfs applied to the land. The location of the diversion points are: north pump site – 1,875 feet west of the southeast corner of Section 1-T108N-R76W (SW ¼ SE ¼) and south pump site – 550 feet west of the southeast corner of Section 12-T108N-R76W (SE ¼ SE ¼).

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

March 24, 1964 priority date							
Sec 7-T108N-R75W				Sec 12-T108N-R76W			
NE ¼ NW ¼	32 ac	NE ¼ SW ¼	32 ac	NE ¼ NE ¼	40 ac	NE ¼ SE ¼	6 ac
NW ¼ NW ¼	39 ac	NW ¼ SW ¼	40 ac	NW ¼ NE ¼	2 ac		
SW ¼ NW ¼	40 ac	SW ¼ SW ¼	33 ac	SE ¼ NE ¼	30 ac		
SE ¼ NW ¼	33 ac	SE ¼ SW ¼	33 ac				
February 15, 1968 priority date				March 20, 1991 priority date			
Sec 18-T108N-R75W				Sec 17-T108N-R75W			
NE ¼ NE ¼	32 ac			NE ¼ SW ¼	32 ac		
NW ¼ NE ¼	32 ac			NW ¼ SW ¼	32 ac		
SW ¼ NE ¼	33 ac			SW ¼ SW ¼	33 ac		
SE ¼ NE ¼	33 ac			SE ¼ SW ¼	33 ac		

continued

February 2, 1984 priority date

Sec 6-T108N-R75W

NE ¼ NE ¼	1 ac	NE ¼ SW ¼	40 ac	NE ¼ NW ¼	32 ac	NE ¼ SE ¼	40 ac
NW ¼ NE ¼	12 ac	NW ¼ SW ¼	27 ac	NW ¼ NW ¼	32 ac	NW ¼ SE ¼	37 ac
SW ¼ NE ¼	33 ac	SW ¼ SW ¼	40 ac	SW ¼ NW ¼	33 ac	SW ¼ SE ¼	26 ac
SE ¼ NE ¼	31 ac	SE ¼ SW ¼	38 ac	SE ¼ NW ¼	33 ac	SE ¼ SE ¼	21 ac

Sec 7-T108N-R75W

NE ¼ NE ¼	32 ac	NE ¼ SE ¼	32 ac
NW ¼ NE ¼	32 ac	NW ¼ SE ¼	32 ac
SW ¼ NE ¼	33 ac	SW ¼ SE ¼	33 ac
SE ¼ NE ¼	33 ac	SE ¼ SE ¼	33 ac

Sec 8-T108N-R75W

NE ¼ NW ¼	32 ac	NE ¼ SW ¼	32 ac
NW ¼ NW ¼	32 ac	NW ¼ SE ¼	32 ac
SW ¼ NW ¼	33 ac	SW ¼ SE ¼	33 ac
SE ¼ NW ¼	33 ac	SE ¼ SE ¼	33 ac

Sec 1-T108N-R76W

NE ¼ NE ¼	32 ac	NE ¼ SE ¼	37 ac
NW ¼ NE ¼	32 ac	NW ¼ SE ¼	14 ac
SW ¼ NE ¼	33 ac	SW ¼ SE ¼	14 ac
SE ¼ NE ¼	33 ac	SE ¼ SE ¼	37 ac

Total 1,848 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Nachtigal Farms, Inc., 520 Illinois, Platte SD 57369 the holder and/or owner of Incorporated Water Right No. 5537-3 is issued a license to appropriate water, the right to use 32.44 cfs for beneficial use from the Missouri River with 29.33 cfs applied to the land with priority dates of March 24, 1964, February 15, 1968, February 2, 1984 and March 20, 1991 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. 5537-3 and subject to South Dakota State Law.



SEP 17 2002

date

GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 14, 2002

5537-3

Nachtigal Farms, Inc.
c/o Jason Nachtigal
520 Illinois
Platte SD 57369

Dear Mr. Nachtigal:

On June 18, 2002 the investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 1089-3, 1089A-3, 1515-3, 5008-3 and 5537-3, was completed by Lynn Beck, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

The licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 5, 2004

RECEIVED OF Backlund Farms, 27232 SD Highway 50, Flatte SE 57369-6011

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	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. <u>5537-2</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. _____

By

Darland White
Chief Engineer *gm*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 17 2002

5537-3

Nachtigal Farms Inc.
% Jason Nachtigal
520 Illinois
Platte SD 57369

Dear Mr. Nachtigal:

Enclosed is Water License No. 5537-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000266 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures