

Considered: _____

WATER PERMIT NO. 5632-3

Phone: 647-5881

Name of Applicant: Kent Westerman

Post Office Address: RR 1, Box 22, Chancellor SD 57015

Amount of Water Claimed: 1.21 Total Acres: 85

Source of Water Supply: groundwater

Water to be used for: irrigation County: Turner

About 2 1/2 miles West of Chancellor

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 2-21-92 Fee: \$225 Remarks _____

Corrected Application Received 2-25-92 Period of Annual Use April 1- November 30

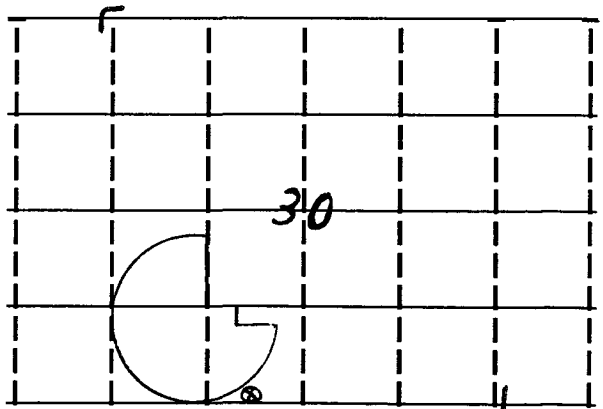
WATER QUALITY APPROVAL RECEIVED 3-9-92 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SE 1/4 SW 1/4 Sec 30-T99N-R52W

Land to be Irrigated: SW 1/4 SW 1/4, NW 1/4 SW 1/4,

SE 1/4 SW 1/4 Sec 30-T99N-R52W



Well Log: Driller: Pullman Drilling Licensed YES NO _____

Depth of Well: 126' REMARKS _____

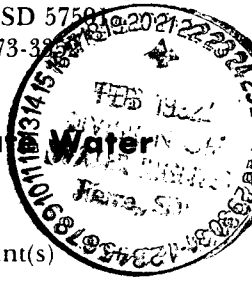
Type of Map: aerial PREPARED BY: Kyle S Herbener, SCS Reviewed and the Number

Assigned on 3-9-92 By Karen Schlaak

(See instructions)

No. 5632-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper The New Era, Box 577, Parker

297-4419 (Thur) 57053-0577



Application For Soil/Water Compatibility Permit and Permit To Appropriation 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 Kent Westerman Phone No. 647-5881
647-2357
- Post Office Address R.R. 1 Box 22 Chancellor State South Dakota 57015
(Street, RR or Box) (City) Zip Code
- Amount of water claimed (c.f.s.) 1.21 Total acres irrigated 85
- Source of Water supply well
- Location of point of diversion SE 1/4, SW 1/4, 30-99-52, Turner County
"see attached map for further detail"
County Turner
- Counties where water will be used Turner
- Annual period during which water is to be used April-November 30
- 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.
SW 1/4, SW 1/4, 30-99-52	32
S 850 ft., NW 1/4, SW 1/4, 30-99-52	21
W 1075 ft., SE 1/4, SW 1/4, 30-99-52	32

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: Gun: _____ Other: _____
9. Crops to be Irrigated: corn, soybeans, alfalfa (Specify)

10. Give a description of proposed project. (Attach sheet if more space is needed)
'see attached map for locations'

I would set a center pivot on the described property with a buried pipe carrying water from the proposed well site to the center of the pivot. I would make a three-quarter circle and reverse the machine to avoid the Vermillion river. The well will be drilled approx. 126 ft. and it will be set to pump less 1.7 c.f.s.

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 TURNER)^{SS}

I, KENT WESTERMAN, 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 Kent Westerman

Subscribed and sworn to before me this 20 day of Feb 19 97

M. J. SOMMERYOLD

NOTARY PUBLIC, STATE OF SO. DAK.
MY COMMISSION EXPIRES OCT. 30, 1997

M. J. Sommervold
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5632-3 FOR IRRIGATION

Date of first receipt of application February 21, 1992.
Date Soil/Water Compatibility Permit received March 9, 1992.
Date of return to applicant for corrections, amendments or changes
February 21, 1992.
Date of receipt of corrected application February 25, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5632-3 to Kent Westerman, RR 1, Box 22, Chancellor SD 57015 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. 5632-3 appropriates 1.21 cubic feet of water per second from one well (Upper Vermillion Missouri Aquifer) 126 feet deep located in the SE 1/4 SW 1/4 Section 30 to irrigate 85 acres located in the W 1/2 SW 1/4, SE 1/4 SW 1/4 Section 30; all in T99N-R52W.
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 - November 30.
3. The date from which applicant may claim right is February 21, 1992.
4. The date of approval of Permit No. 5632-3 is April 29, 1992.
5. One-fifth of the construction is to be completed on or before October 29, 1994.
6. All construction is to be completed on or before April 29, 1997.
7. Water is to be put to beneficial use on or before April 29, 2001.
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 approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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.

(continued)

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

WATER MANAGEMENT BOARD

By: John Hated AUG 7 1992
Chief Engineer, Water Rights Division date
Department of Environment and Natural Resources

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 25" Depth 126'
- b) Casing Type PVC Diameter 16" Thickness 5/8"
- c) Screen Type PVC Diameter 16" Thickness 5/8" .057 slot
- d) Gravel Pack Thickness 4 1/2" Length of Gravel Pack 46'
- e) Depth to Top of Water Bearing Material 55'
- f) Depth to Water (ground surface to water level) 25'
- g) Distance to nearest existing domestic well:
 On ~~applicant's~~ ^{Landlords} property 850' On property owned by others 1320'

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 _____

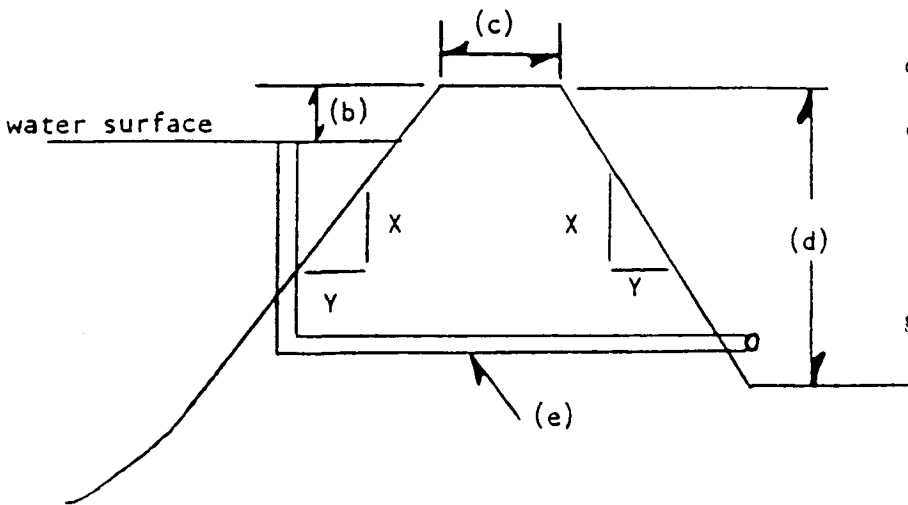
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



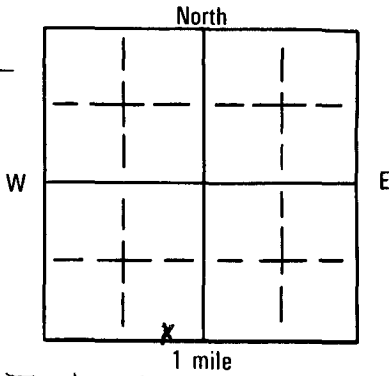
Signature of Applicant _____

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 SE 1/4 Sec 30 Twp 99 N Rg 52 W

County _____



Please mark well location with an "X"

Well Completion Date 5-6-92

PROPOSED USE:

- Domestic Municipal Test Holes
 Irrigation Industrial Stock

Method of Drilling:

Reverse

CASING DATA:

- Steel Plastic Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>126</u> FT	<u>24</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? YES NO

To what depth? 25 FEET

What is grouting material? Cement

If cement, number of sacks? 90

Describe grouting procedure Benonite from 85 ft to 25 ft. Tremiz pipe

What was grout weight? _____ LB/GAL

SCREEN: Perforated pipe Manufactured

Diameter 16 IN Length 20 FEET

Material _____

Slot Size .057 Set From 126 Feet To 120 Feet

Slot Size .057 Set From 106 Feet To 90 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? YES NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? YES NO

Explain _____

Bacteriological analysis YES NO

Laboratory sent to _____

Well Owner:

Name Kent Westerman

Address RR1 Box 22 Chancellor, SD 57015

Well Log: _____

Formation	Depth	
	From	To
Top Soil	0	6
Yellow Clay	6	9
Gravel	9	12
Yellow Clay	12	20
Blue Clay	20	55
Gravel	55	70
Blue Clay	70	78
Fine to Med. Sand	78	85
Coarse Sand	85	100
Very fine sand w/ rocks	100	115
Yellow Clay + fine sand	115	120
Gravel w/ rocks	120	126
<u>TD 126'</u>		

STATIC WATER LEVEL 36 Feet

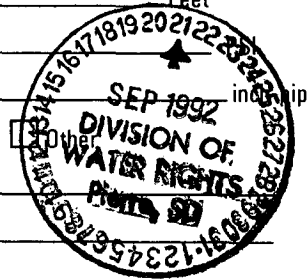
If flowing: closed in pressure _____

GPM flow _____ through _____ in pipe

Controlled by Valve Reducers _____

If other; specify _____

Can well be completely shut in? _____



WELL TEST DATA:

Pumped

Bailed Describe: Line shaft turbine

Other _____

Pumping Level Below Land Surface

60 ft. After 16 Hrs. pumped 800 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Pullman Well Drilling

Signature of License Representative:

[Signature]

Signature of Well Owner:

Date 9-17-92

MAN DRILLING — DRILLERS LOG

Chancellor S.D.

Phone: 1-800-451-4888

an Hove JOB NAME	LOCATION	1-19-1992 DATE	RIG NO. 11	J. D. FOREMAN
---------------------	----------	-------------------	------------	------------------

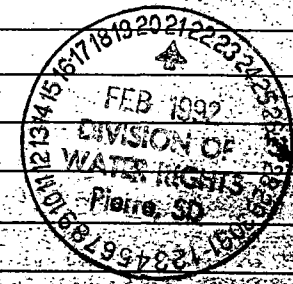
DEPTH	TIME	REMARKS
20		0-10 Topsoil 10-15 Yellow sand 15-20 Yellow Clay
40		20-40 Blue Clay
60		40-60 Blue Clay w/one sand streak
70		60-70 Blue Clay Granite at 70'

2 TEST WELL

20		0-20 Yellow Clay w/one little sand streak
40		20-30 Yellow Clay 30-40 Blue Clay w/rock at 28'
60		40-55 Blue Clay 55-60 Med. Gray sand
80		60-68 Med. Gray sand 68-78 Blue Clay 78-80 Med. Sand
100		80-90 Med. to Fine Sand 90-100 Med. Sand
120		100-115 Med. sand 115-120 Med. sand w/clay break
124		120-126 Med. Gravel Granite at 126'

2

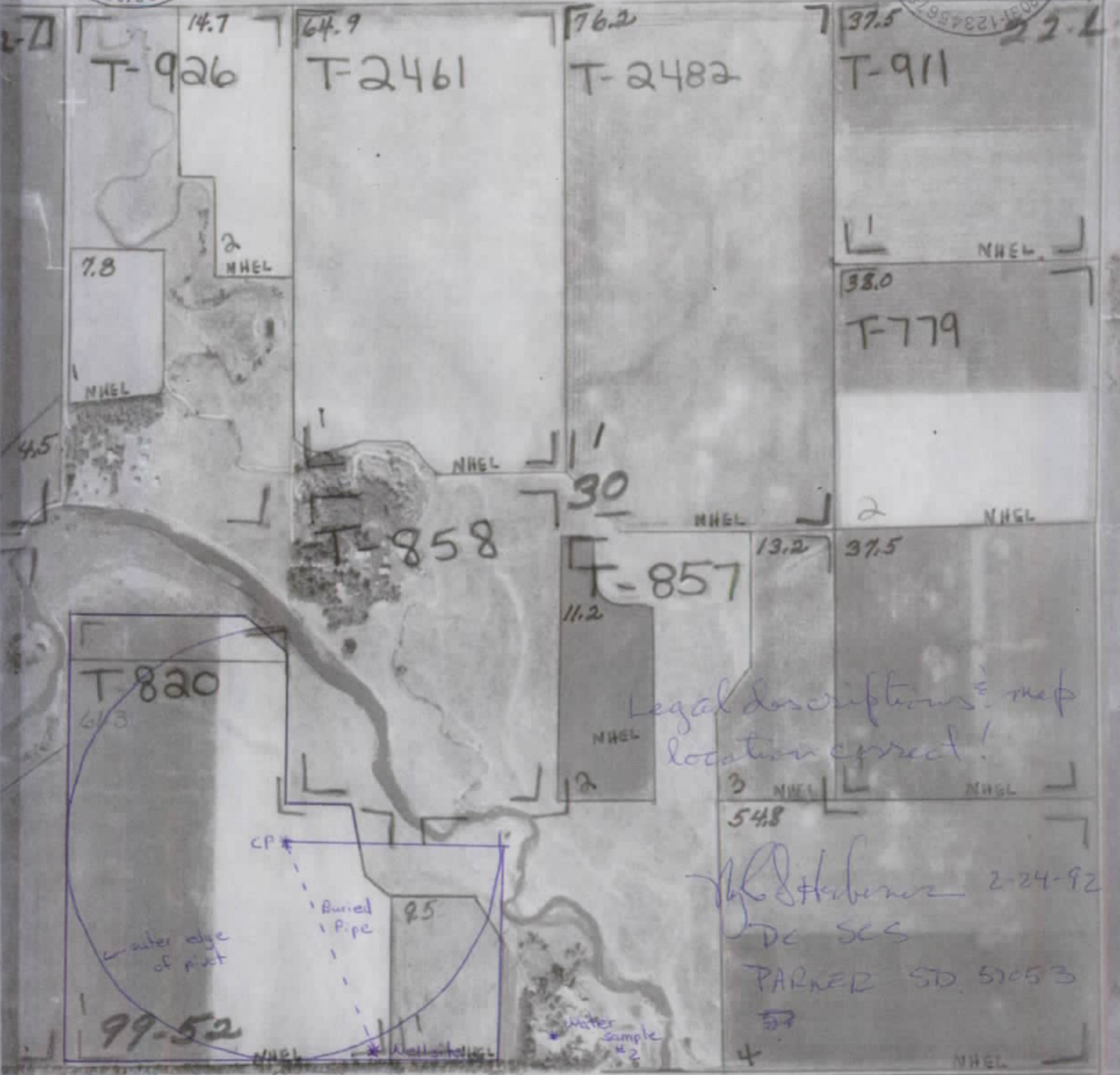
3" Test well
 T.D. 126'
 30' .016 slotted
 96' 3" Blank
 Pumped w/air 40 G.P.M.,
 Water head 25'





1" = 760'

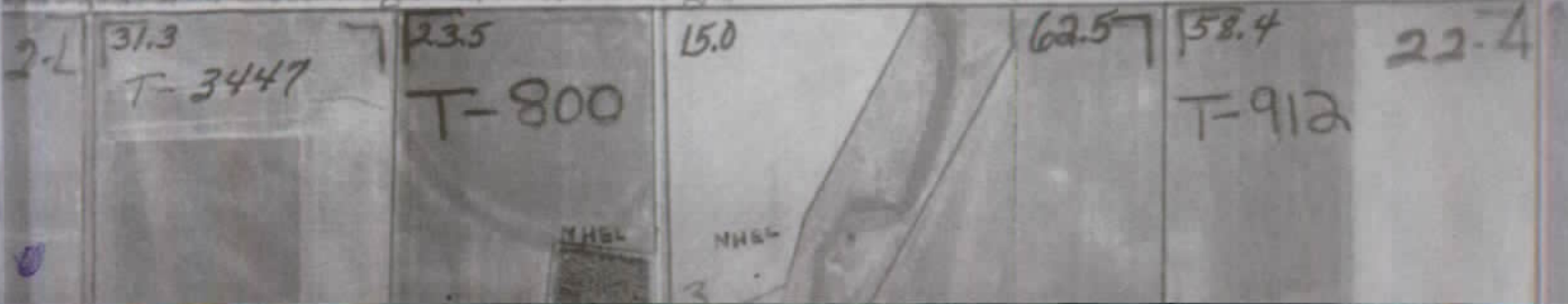
NOT TO SCALE

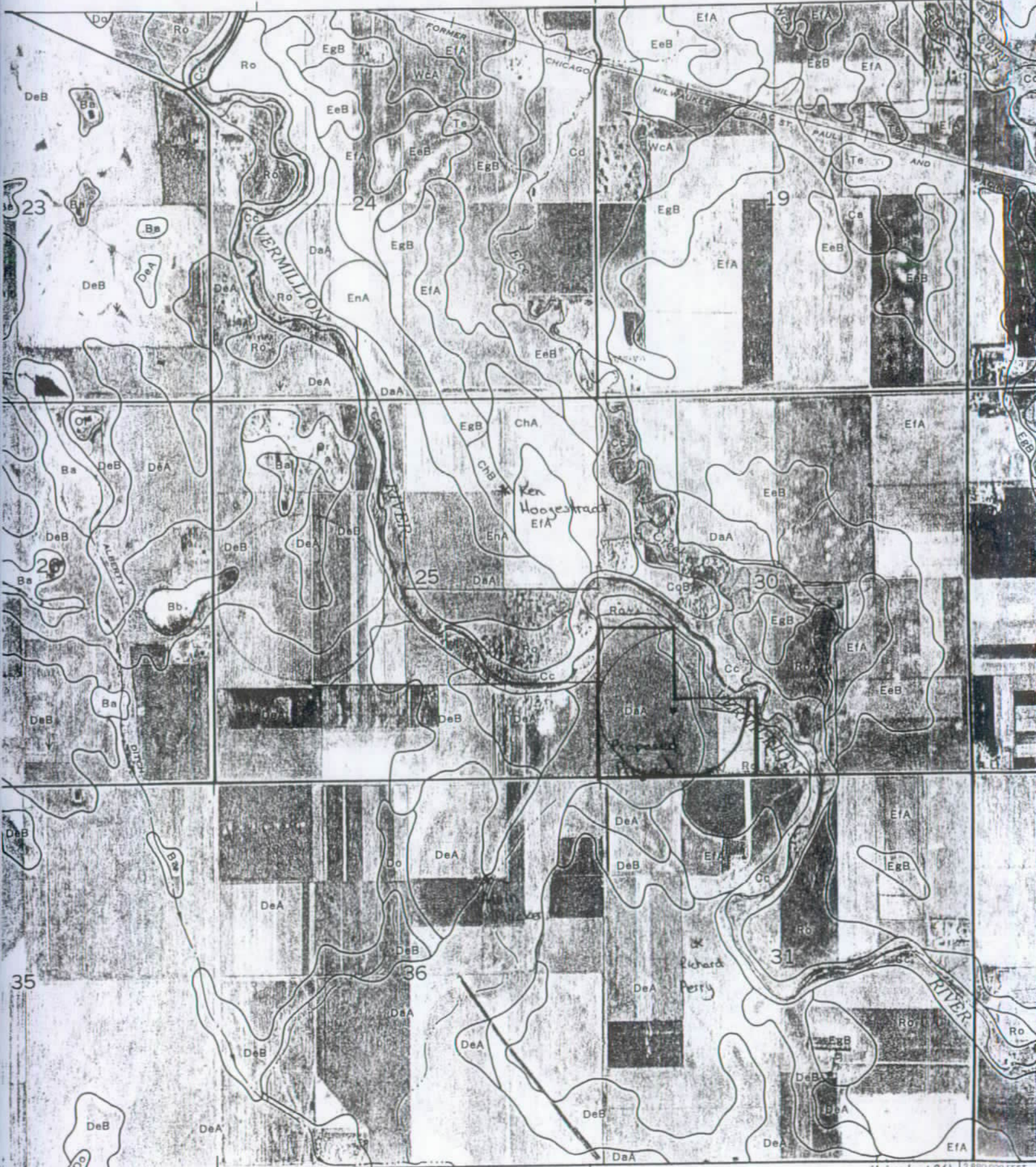


Legal descriptions map location correct!

3 NHGL
548
4 NHGL

W. J. Stuber 2-24-92
DC SCS
PARKER SD 57053
57



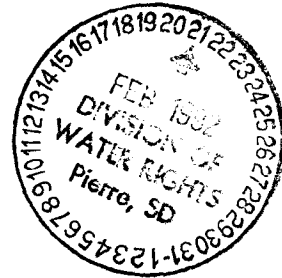


2/14/92

R.R. 1 Box 22

Chancellor, SD 57015

Attn. Jim Stukel
S.D. Dept. of Ag. Water Rights Division
DWNR, Foss Bldg.
Pierre, SD 57501



Jim:

I appreciated your help at the Irrigators association meeting held in Sioux Falls this past week. I am sorry for blaming your office for the delay in getting a permit when it was my confusion that caused the problem. The water samples at Brookings should be listed under Kent Westerman or Eugene van Hove. I took the 1st sample from the well site and the conductivity was recorded 2100 mpc which is higher than any other in the area so I sent a sample from the farm place to the east in which the well is the same depth but have not recieved no results. Other irrigation wells in the area include:

sec. 31-49-52 Richard Perry 90'
sec. 25-49-53 Ken Hoogstraat 160'
sec. 36-49-53 Alvin Plucker 100'

I would appreciate your prompt attention and consideration to this project. This land is very suitable for irrigation even if allowed only marginal quantity of water can be used because of water quality. Since I am the tenant I would like to receive owner approval forms (2). To advertise the issuance of the permit, it should be sent to THE NEW ERA,

BOX 577, Parker, SD 57053. Thank-you for your time
and if there is any questions please contact me at
either phone number on the application sheet.

Sincerely,

Kent Westerman



Alexander, Iowa 50420
Phone 515-692-3258

Premium Quality Oats and
Soybean Seed Since 1947

Water Rights Division.

I have talked to Jim Stukel
about this project and I would
appreciate you sending this on to
him for consideration.

Thank-you,

Kent Westerman





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 1992

Kent Westerman
RR 1, Box 22
Chancellor SD 57015

Dear Mr. Westerman:

In regard to your water permit application received on February 21, 1992, the following information needs to be submitted and clarified in order to process your application.

1. Enclosed is the map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
2. On the application, Item No. 2 you indicated the amount of water claimed to be 1.7 cfs. Under State Statutes you are allowed 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed 1.21 cfs for the 85 acres to be irrigated. Please let us know if you concur with this change.

You stated in your letter that you would like owner approval forms. Since the application was submitted in your name, even though you are the tenant, the permit will be issued in your name. If this is not your intent, please let us know.

The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Upon receipt of the above, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

RECEIPT

Division of Water Rights

413078

South Dakota Department of Water and Natural Resources

Pierre, _____ February 21, 19⁹²

RECEIVED OF Westerman Farms, RR 1, Box 3, Chancellor, SD 57015

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

Fee for Application for Permit No. <u>5632-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	225	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	225 00

By J. L. Hatch (Signature)
Chief Engineer

Kent Westerman

R.R. 1 Box 22

Chancellor, SD 57015

attn. Karen Schlaak

Dept. of Environment & Natural Resources

Division of Water Rights

523 E. Capitol Joe Fass Bldg.

Pierre, SD 57501



Karen:

I am writing to you in reference to the irrigation permit application I sent in. I had asked for 1x7 cfs on my application but I am only allowed 1x21 cfs. I will concur with this change in the application. I am also sending the map back signed by the proper official. Sorry for the inconvenience.

Sincerely,

Kent Westerman

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4677

WR#

OWNERS NAME: WESTERMAN, KENT OWNERS ADDRESS: RR 1 BOX 22
CHANCELLOR, SD 57015-9713

COUNTY LAND LOCATED IN: TURNER PHONE: 647-5881/647-2357

LEGAL DESCRIPTION: Well Surface

1. LOCATION: SE 1/4 SW 1/4 30-T99N-R52W

Depth: _____

Legal Description	Acres	Legal Description	Acres
<u>SW 1/4 SW 1/4 30-T99N-R52W</u>	<u>32</u>		
<u>S 850' NW 1/4 SW 1/4 30-T99N-R52W</u>	<u>21</u>		
<u>W 1075' SE 1/4 SW 1/4 30-T99N-R52W</u>	<u>32</u>		

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

3. CROPS TO BE IRRIGATED: CORN, SOYBEANS, ALFALFA

WATER QUALITY:			
4. WATER SAMPLE NUMBER:	<u>92-0022</u>	7. ADJUSTED (SAR):	<u>5.69</u>
5. SALINITY (EC X 10 ⁶):	<u>2100</u>	8. PERCENT SODIUM:	<u>25.63</u>
6. SODIUM (SAR):	<u>2.10</u>		

Requirements:

A buffer strip of permanent vegetation shall be maintained and shall not be irrigated along the Vermillion River. This strip shall be of a width that will prevent erosion of the river bank from activities within the project.



Russell J. Stone

Director, Division of Conservation

MARCH 5, 1992

Date

APPROVED
 DISAPPROVED
 WAIVER

REQUIREMENTS

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

Group 11
Surface

0.3 Intake Family
Design Sheet Nos. 15-18

These are deep, well drained, moderately well drained or somewhat poorly drained soils that have clay loam, silty clay loam, or silty clay surface layers underlain by stratified silty clay loam, loam, or silt loam. Available water capacity is high. Permeability is moderately slow or slow. These soils are on bottom lands and are subject to flooding.

Special treatment is needed to improve tilth and fertility, where the underlying alluvium is exposed by land leveling. Trace elements will be needed. Soil blowing could be a problem where coarser layers of the substratum are exposed.

Generally, these soils are suitable for irrigation with low salinity and low sodium water. Water of medium salinity may be used when additional quantities are applied for leaching purposes. Use of higher hazard water will require additional internal drainage and the use of salt tolerant crops.



Buffington
Lohmiller

Lohler

Group 12
Surface

0.5 Intake Family
Design Sheet Nos. 19-22

These are deep, well drained and moderately well drained soils that have thick dark colored surface layers of loam, silt loam, silty clay loam, or very fine sandy loam. The underlying material is stratified loam, silty clay loam, silty loam, or fine sandy loam. Available water capacity is high. Permeability is moderate or moderately slow. These soils are on bottom lands. They are subject to occasional flooding from snow melt in the spring.

Some soils are subject to soil blowing, where sandy material is exposed during land leveling.

Generally, these soils are suitable for irrigation with medium salinity and low sodium water. If water of high salinity or medium sodium is used, extra water should be applied for leaching purposes and salt tolerant crops may be required.

Barnum
Blake
Bon
Bridgeport
Davis
Kennebec

Korchea
LaDelle
LaPrairie
Nimbro
Omadi
Roxbury

Salix
Straw
St. Onge
Volin

REPORT ON APPLICATION NO. 5632-3
for Kent Westerman
March 25, 1992

Application No. 5632-3 proposes to appropriate 1.21 cfs from one well approximately 126 feet deep located in the SE 1/4 SW 1/4 of section 30 to irrigate 85 acres located in the W 1/2 SW 1/4, SE 1/4 SW 1/4 of section 30; all in T99N R52W in Turner County.

AQUIFER - UPPER VERMILLION MISSOURI (UVM)

The Upper Vermillion Missouri aquifer is a confined glacial outwash (sand and gravel) under artesian conditions at this site. The driller's log submitted with this application indicates the top of the aquifer was at 55 feet and extended to a depth of 126 feet below land surface. The test well had a static water level of 25 feet below land surface. The Upper Vermillion Missouri aquifer underlies 106,400 acres and contains an estimated 1.037 million acre feet of recoverable water in storage in Turner County (Hedges, 1982). The Upper Vermillion Missouri is hydraulically connected and extends into Clay County to the south, Hutchinson County to the west and McCook County to the north. Also test hole and well log data for the northern portion of the aquifer indicates that the Parker Centerville aquifer is hydraulically connected to the Upper Vermillion Missouri aquifer over some of the area. In turn then, the Vermillion River is potentially connected to the Upper Vermillion Missouri aquifer. The USGS estimates that the Upper Vermillion Missouri aquifer underlies 207 square miles and contains an estimated 1.8 million acre feet of water in storage in Turner County (Hansen, 1990). These estimates are larger than the Hedges estimates because of a better defined aquifer area and because the USGS estimates total water in storage rather than total recoverable water.

The Division of Water Rights monitors two observation wells (TU-77B and TU-77U) which are completed into the Upper Vermillion Missouri aquifer and located within 1 mile of this proposed diversion. Water levels for these wells show good response to climatic conditions, that is, rising during wet years due to recharge and gradually declining during drought due to pumping and lack of recharge. These two wells also show the effects of seasonal irrigation withdrawals with fluctuations in head pressure of 30 to 35 feet annually. Both wells have shown a gradually decline in water levels since 1987 due primarily to drought conditions. It is apparent from the hydrographs that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992). The hydrograph for TU-77B which is located within 1/2 mile of this proposed diversion is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

This area is intensively irrigated from either the Parker Centerville or the Upper Vermillion Missouri aquifers. The nearest permits/rights which obtain water from the Upper Vermillion Missouri aquifer are Nos. 5371-3 and 5058-3 and are located about 3/4 and 1/2 mile respectively

from this proposed diversion. Interference will occur, however this is not expected to be adverse. There are numerous irrigation wells in the area drawing water from the same source which also create some drawdown. Historically there have no complaints concerning water availability for irrigation from the aquifer. There have been some complaints concerning water availability for domestic wells in this area. This was due to inadequately constructed domestic wells and this issue has not been a problem for many years.

CONCLUSIONS

1. Water is available from the Upper Vermillion aquifer.
2. The aquifer is under confined conditions and drawdown will occur. This diversion is not expected to adversely affect water availability from the aquifer. There will be interference but the aquifer is prolific and should sustain withdrawals even though there will be additional drawdown.
3. Any well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. This application should be conditioned to include the requirement for reporting annual water use.



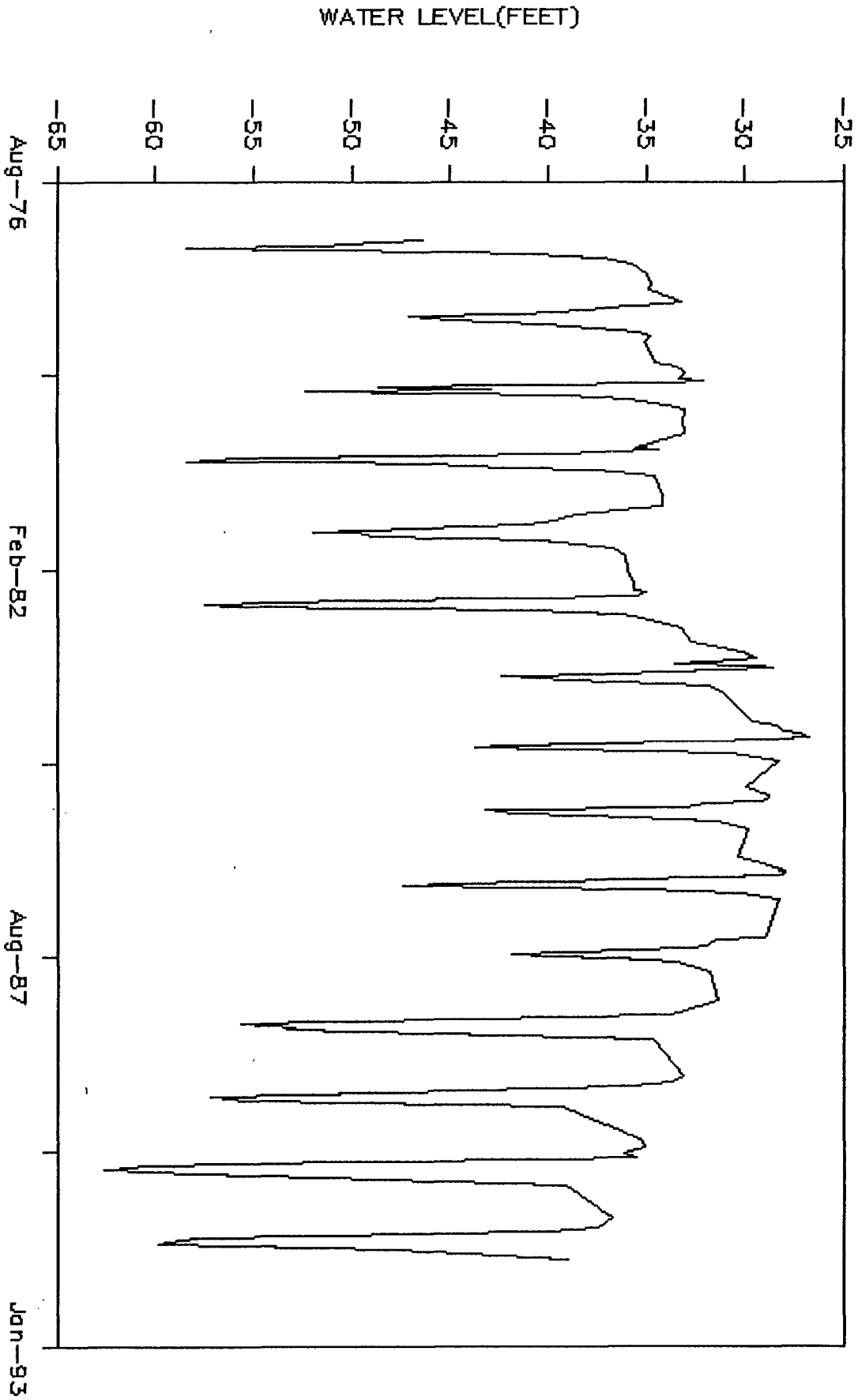
James A Goodman
Natural Resources Engineer

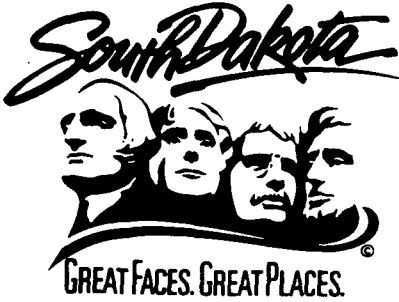
BIBLIOGRAPHY

- Hansen, D.S., 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, USGS WRI 90-4093, USGS, Huron, SD, 57350.
- Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1992, Observation Well Records for the Upper Vermillion Missouri Aquifer in Turner County, unpublished, SD DENR, Division of Water Rights, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

TU-77B





**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.

March 27, 1992

Kent Westerman
RR 1 Box 22
Chancellor, SD 57015

Dear Mr. Westerman:

Water Permit Application No. 5632-3 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 New Era printed at Parker, SD (Ph # 297-4419). 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,

A handwritten signature in cursive script that reads "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.

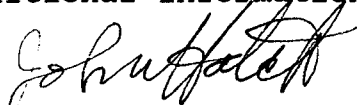
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5632-3, Kent Westerman

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5632-3, Kent Westerman, RR 1 Box 22, Chancellor, SD 57015.

The Chief Engineer is recommending APPROVAL of Application No. 5632-3 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 approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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.
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
March 26, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 27, 1992

The New Era
Box 577
Parker, SD 57053-0577

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5632-3 to be published twice. Please publish the first notice on April 2, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Kent Westerman, RR 1 Box 22, Chancellor, SD 57015 (Ph # 647-5881).

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 April 2, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5632-3 to Appropriate Water

Notice is given that Kent Westerman, RR 1 Box 22, Chancellor, SD 57015 has filed an application for a water permit to appropriate 1.21 cubic feet of water per second from one well (Upper Vermillion Missouri Aquifer) 126 feet deep located in the SE 1/4 SW 1/4 Section 30 to irrigate 85 acres located in the W 1/2 SW 1/4, SE 1/4 SW 1/4 Section 30; all in T99N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5632-3 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 April 20, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5632-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 29, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the April 29, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 29, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 20, 1992.

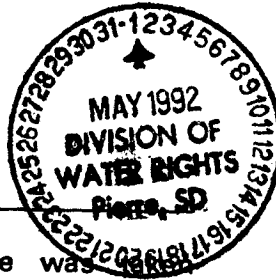
If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 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

NOTICE OF HEARING on Application No. 5632-3 to Appropriate Water

STATE OF SOUTH DAKOTA) County TURNER) ss.



I, SCOTT MUNGER

certify that the attached printed Notice was from the PARKER, THE NEW ERA

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 PARKER

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

APRIL 2, 1992

APRIL 9, 1992

Signature of Scott Munger

PUBLISHER (Title)

APRIL 30, 1992 (Date Sign)

Cost of Printing: 65.54

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 through 46-1-9, 46-1-12 through 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 through 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 through 46-5-11, 46-5-13 through 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 through 74:02:01:15. (Publish 4-2,9)

Notice is given that Kent Westerman, RR 1, Box 22, Chancellor, SD 57015 has filed an application for a water permit to appropriate 1.21 cubic feet of water per second from one well (Upper Vermillion Missouri Aquifer) 126 feet deep located in the SE1/4 SW1/4 Section 30 to irrigate 85 acres located in the W1/2 SW1/4, SE1/4 SW1/4 Section 30; all in T99N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5632-3 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 April 20, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5632-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 29, 1992, at 9 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the April 29, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 29, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer form the application or any interested person opposing the application. The request for an automatic delay must be filed by April 20, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications,



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

Date 8/30/92

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

FROM: Kent Westerman name RR 1 Box 22 address Chancellor SD 57015 city

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. 5632-3.

Water Permit No. 5632-3 states that the diversion system is to be constructed by Pullman well drilling ~~Kent Westerman~~, and that the water it put to beneficial use by Kent Westerman.

The diversion system was completed on 5/8/92.
Applying the water to beneficial use was completed on 6/11/92.

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

Kent Westerman
signature

Permit No. 5632-3

Vermillion River 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 Kent Westerman of RR. 1 Box 22 Chancellor, SD 57015 holder of Permit No. 5632-3, bearing the priority of February 21, 1992 authorizing the diversion of 1.21 cu. ft. per second of the waters of Upper Vermillion-Missouri Aquifer for irrigation purposes, in Turner County.

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

A. Works used to divert the water:

One Well - 126' deep with 106 feet of 16" PVC casing and 20 feet of 16" .057 slot PVC screen; Western Land Roller 3 stage pump, Model No. 12C 8 M OL, Serial No. 9205521, 12", 600 GPM @ 40 PSI; US Electric Motor Model No. 326 TD, 50 HP

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

1300' of 8" PVC and 15' of 8" Aluminum

C. Works used to apply water to beneficial use:

Zimmatic 5 Tower center pivot system, 1032' long with end gun, 550 GPM @ 38 PSI

The system is in the following condition excellent. The point of diversion is located 1575'E and 80'N of the SW corner of Section 30-T99N-R52W. The works are capable of diverting and conveying to the place of use 1.22 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 in Section 30-T99N-R52W:


NW1/4 SW1/4 = 19 acres SE1/4 SW1/4 = 19 acres

SW1/4 SW1/4 = 32 acres

comprising a total of 70 acres of land and the license should be issued for 1.00 cfs.

Applicable permit qualifications have been complied with Yes No

Exceptions to compliance are: None Date 9/17/92


Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 5632-3

DATE 9/17/92

Other permit(s) associated with the project None

DIVERSION POINT LEGAL LOCATION: 1575'E and 80'N of the SW corner of Section 30-T99N-R52W

WELL INFORMATION: Well Drilling Firm Pullman

No. of Wells 1 Depth(s) 126 feet

- a) Casing: 1) diameter 16 inches
2) length 106 feet
3) type PVC

d) Static Water Level 36 feet

e) Motor:

- 1) make US Electric
2) model No. 326 TD
3) horsepower rating 50 hp

- b) Screen: 1) type 16" .057 slot PVC
2) length 20 feet
c) Pump 1) make Western Land Roller
2) model 12C 8 M OL
3) size 12 inches
4) capacity 600 GPM
5) turbine pump - No. of stages 3
6) operating pressure 40 PSI

DISTRIBUTION LINES OR CANALS:

- a) type PVC/Aluminum b) size both 8 inches c) length 1300/15 feet

System Type:

a) Center pivot:

- 1) make Zimmatic
2) overall length 1032 feet
3) number of towers 5
4) distance between towers 200 feet
5) end gun Y (Y/N)
6) high or low pressure low (38 PSI)
7) capacity 550 GPM

CHEMIGATION EQUIPMENT:

- b) main line check valve Y (Y/N)
d) low pressure drain Y (Y/N)
f) interlock type electric
h) injection check valve Y (Y/N)

- a) does chemigate Y (Y/N)
c) inspection port/air relief Y (Y/N)
e) discharge is 20' from source Y (Y/N)
g) injection pump type diaphragm
i) injection line check valve or positive displacement pump Y (Y/N)

j) all chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y (Y/N)

k) comments : System not operated at time of inspection; Chemigation system supplied by Terra International of Hurley, SD

PERMIT QUALIFICATIONS AND REGULATIONS:

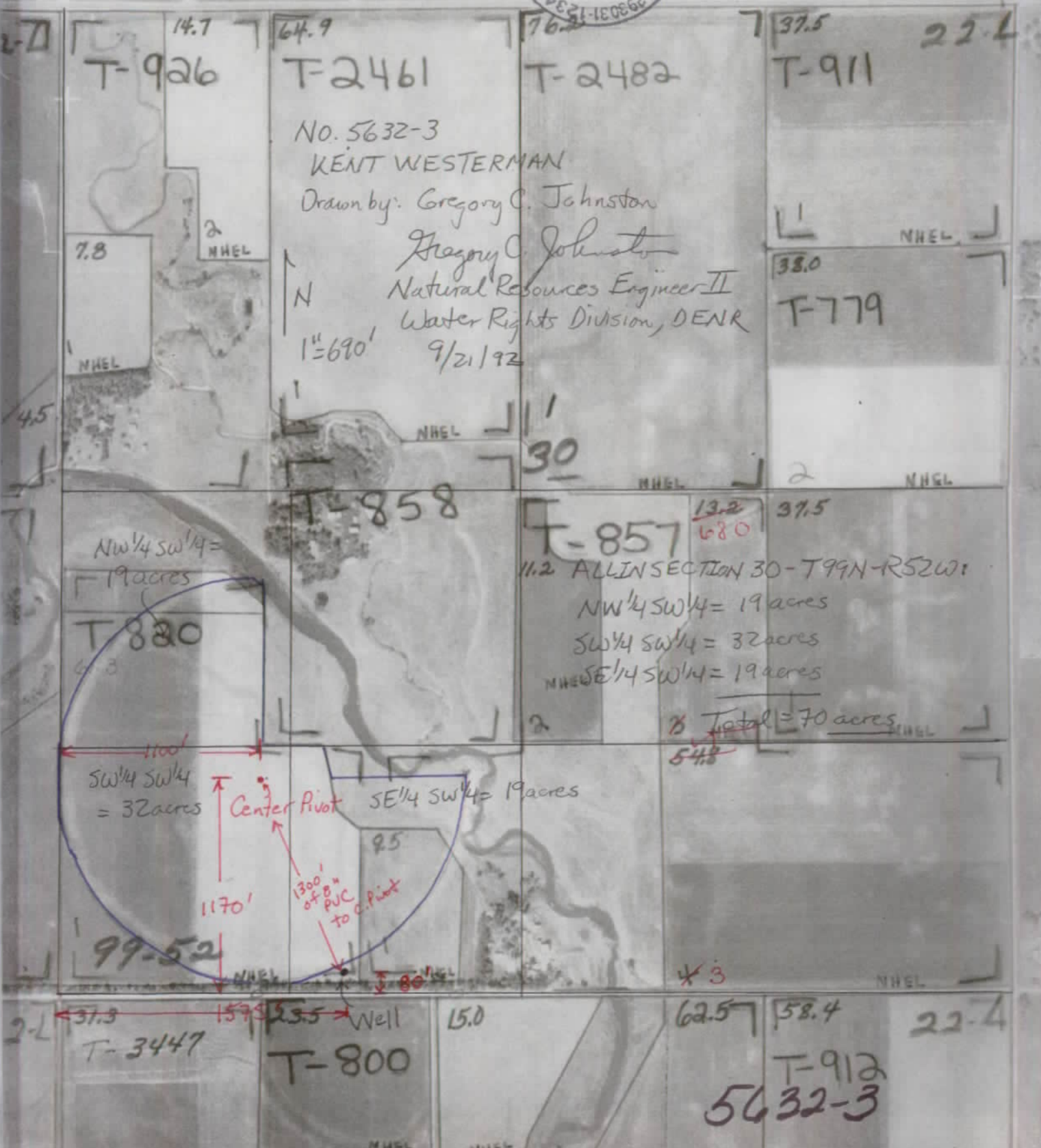
a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N)

b) Special qualifications to permit being abided by Y (Y/N)

c) All structures, wells and lands on map Y (Y/N)

d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)

NOT TO SCALE



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5632-3

(1) Kent Westerman, of RR #1 Box 22, Chancellor, SD 57015 made Application No. 5632-3, February 21, 1992 for a water permit to appropriate 1.21 cubic feet of water per second from groundwater (one well), Turner County, South Dakota for irrigation purposes. Permit No. 5632-3, with a priority date of February 21, 1992 was approved April 29, 1992 and issued to the applicant(s) for diversion of water with construction of the described water supply system to be completed on or before April 29, 1997 and for the application to beneficial use of said water on or before April 29, 2001.

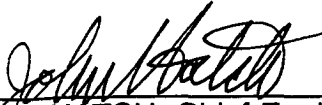
The permit holder submitted a **Notice of Completion of Works and Application of Water to Beneficial Use** on September 2, 1992. The "Notice" stated the diversion system was completed on May 8, 1992 and the water placed to beneficial use on June 11, 1992.

(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 1.00 cubic feet of water per second for beneficial use. The location of the diversion point is 1575 feet east and 80 feet north of the SW corner of Section 30, T99N, R52W (SE 1/4 SW 1/4).

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

T99N, R52W	Section 30	NW 1/4 SW 1/4	19 acres
		SW 1/4 SW 1/4	32 acres
		SE 1/4 SW 1/4	19 acres
		Total	70 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Kent Westerman of RR #1 Box 22, Chancellor, SD 57015 the holder and/or owner of Water Permit No. 5632-3 is issued a license to appropriate water, the right to use 1.00 cubic feet of water per second from groundwater (one well) with a priority date of February 21, 1992 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5632-3 and subject to South Dakota State Law.



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

MAR 12 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 7 1992

Kent Westerman
RR 1 Box 22
Chancellor, SD 57015

Dear Mr. Westerman:

Enclosed is Water Permit No. 5632-3 authorizing construction of your water diversion system and beneficial use of the water, 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,

A handwritten signature in black ink, appearing to read "John Hatch".

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 23, 1992

4963-3

5632-3

Kent Westerman
Rt 1, Box 22
Chancellor, SD 57015

Dear Mr. Westerman:

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 Nos. 4963-3 and 5632-3, has been completed. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee for each inspection and Water License. Upon receipt of the \$100.00 fee from you, we will begin processing your Water Licenses.

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 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.

RECEIPT

413570

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, January 4, 19 93

RECEIVED OF Westerman Farms, RR 1 Box 4, Chancellor, SD 57015

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>5632-3</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 Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

NOTICE

TO: DARRELL WESTERMAN
RR1 BOX 4
CHANCELLOR, SD 57015

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

RE: Failure to Report Chemical Use under Water Permit No(s) 5632-3

The first notice to file chemigation report(s) for Permit No(s) 2897-3; 2898-3; & 2213-3 & 3634-3 & 5632-3 was dated October 16, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 5632-3. The Water Management Board has directed that owners of water permits who have not submitted the 1992 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 5632-3 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 chemigation report(s) is(are) received by this office prior to the March 3, 1993 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 1993

Darrell Westerman
RR 1 Box 22
Chancellor, SD 57015

Dear Sir:

I am writing to acknowledge receipt of your phone call concerning the 1992 chemigation questionnaire. You may disregard the January 29, 1993 notice of "Failure To Submit Chemigation Questionnaire." I have filled out the questionnaire with the information you provided over the phone and your name is deleted from the Water Management Board agenda.

If you have any questions, please contact me at 605-773-3352.

Sincerely,

A handwritten signature in cursive script that reads "Barry A. McLaury".

Barry A. McLaury
Natural Resources Analyst
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 12 1993

5632-3

Kent Westerman
RR 1, Box 22
Chancellor, SD 57015

Dear Mr. Westerman:

Enclosed is Water License No. 5632-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413570 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. 5632-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

December 21, 2022

Duane Smit
Westerman Farms
46065 278th St
Chancellor SD 57015

RE: Water Right Nos. 2213-3, 2898-3, 3634-3, 5632-3 & 7149-3

Dear Mr. Smit:

I am writing in regard to the notations made on the annual irrigation questionnaires you submitted on November 1st. It is my understanding you wish to change the water rights to Westerman Farms. The water rights are currently held by either Darrel or Kent Westerman.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$250). The check or money order for the fee can be made payable to the Water Rights Program.

Thank you in advance for updating the water rights. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

5632-3

RECEIPT

WATER RIGHTS PROGRAM
South Dakota Department of Agriculture and Natural Resources

Date January 30, 2023

RECEIVED OF Westerman Farms 46065 278th St., Chancellor SD 57015

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>5632-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer
EG

PAID

JAN 30 2023

Ck# 13076

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5632-3

Date:

I/We request that Water Right No. 5632-3

formerly owned by: Kent Westerman

be transferred to: (name & address) Westerman Farms

46065 278th str.

Chancellor, SD 57015

Telephone No. 605-351-2597

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

70 acres - SW 1/4 Section 30, T99N, R52W

I/We understand that the validity of Water Right No. 5632-3 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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Westerman Farms, the new owner, certify that the above information is true and correct.

Westerman Farms by Kent Westerman
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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.

RECEIVED

JAN 30 2023

OFFICE OF WATER

5632-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 31, 2023

Kent Westerman
Westerman Farms
46065 278th St
Chancellor SD 57015

RE: Water Permit or Right Nos. 2213-3, 2898-3, 3634-3, 5632-3 and 7149-3.

Dear Mr. Westerman:

Thank you for sending in the transfer forms and filing fees for Water Permit or Right Nos. 2213-3, 2898-3, 3634-3, 5632-3 and 7149-3.

The ownership changes have been completed. The above listed numbers are now listed under **Westerman Farms**.

Enclosed for your records are receipts for the filing fee you paid. If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures