

Considered: _____

WATER PERMIT NO. 5725-3

Phone: 948-2286

Name of Applicant: Norbert & Mary Arbach

Post Office Address: Rt 1, Box 48, Hoven SD 57548

Amount of Water Claimed: 0.15 add'l Total Acres: no add'l

Source of Water Supply: groundwater

Water to be used for: irrigation County: Potter

About 7 miles E of Hoven

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 10-20-92 Fee: \$150 Remarks Irrigate

lands cover by Permit Nos. 4449-3 and 4768-3

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

WATER QUALITY APPROVAL RECEIVED 10-30-92 APPROVED/CONDITIONAL (Circle one)

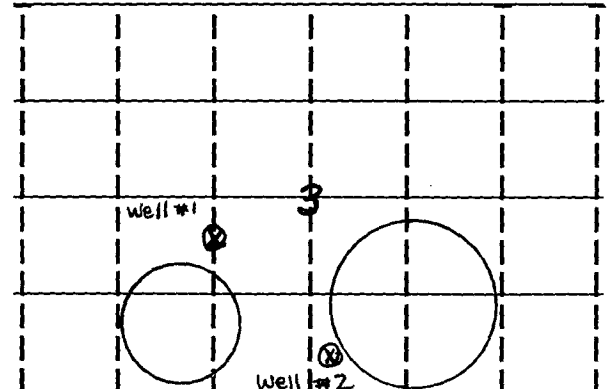
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: Well #1 center N 1/2 SW 1/4

Well #2 SW 1/4 SE 1/4 all in Sec 3-T120N-R73W

Land to be Irrigated: SW 1/4 and SE 1/4

Sec 3-T120N-R73W



Well Log: Driller: Dakota Boring Co. Licensed YES X NO _____

Depth of Well: 45' and 56' REMARKS _____

Type of Map: aerial PREPARED BY: Lynn Beck Reviewed and the Number

Assigned on 10-28-92 By Karen Schlaak

FORM 2: Application for irrigation in South Dakota

(type or print)



Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5725-3 Hydrologic Unit 10130106
Basin Missouri River
Newspaper Hoven Review, Box 37 57450
(Thurs) 948-2110 (office use only)

Application For Soil/Water Compatibility Permit And Permit To Appropriate Water

Type of Application: X New Vested Right Amendment/Correction to Permit No.
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)
Increase diversion rate on Permit Nos. 4449-3 & 4768-3

- Name of Applicant Norbert & Mary Arbach Phone (605) 948-2286
Mailing Address Rt. #1, Box 48 Hoven State SD 57548
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed .15 add'l *CFS or **GPM ***AF Total Acreage 6 add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable no add'l
- Source of water supply Ground water, 2 wells on permit nos. 4449-3 and 4768-3.
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Well #1 is 680' S and
1320' E of W corner and well #2 is 490' N and 2300' W of SE corner, all in Section 3,
T120N, R73W. Well #1 center N 1/2 SW 1/4, Well #2 SW 1/4 County Potter
- County or counties where water will be used Potter SE 1/4 Sec 3
- Annual period during which water is to be used April 1 thru October 31
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 SW 1/4 3-120-73	1	NW 1/4 SE 1/4 Sec 3-120-73	17
SE 1/4 SW 1/4 3-120-73	5	NE 1/4 SE 1/4	23
NW 1/4 SW 1/4	10	SW 1/4 SE 1/4	23
SW 1/4 SW 1/4	30	SE 1/4 SE 1/4	21

- Type of Irrigation: Gravity: Towline: Center Pivot: Gun: Other (Specify):
- Crops to be irrigated:
- Give a description of the project. (Attach sheet if more space is needed)

This application is for 0.15 add'l cfs, and ~~6 add'l acres in the SW 1/3 Section 3-120-73,~~
~~to accommodate a 46-acre pivot system.~~ The max. allowable cfs on permit no. 4449-3 is
1.85 cfs, a total of 2.0 cfs at 70 acres/1 cfs is needed.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach maps,
soils information and any other technical information. (see instructions)

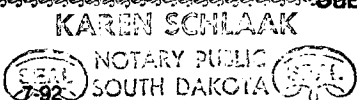
STATE OF SOUTH DAKOTA)

County of Hughes)^{ss}

I, , 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 representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Norbert Arbach

Subscribed and sworn to before me this 20th day of October 19 92



My Commission Expires Apr. 1, 1993

Karen Schlaak
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5725-3**

Date of first receipt of application October 20, 1992.

Date Soil/Water Compatibility Permit received October 30, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5725-3 to Norbert and Mary Arbach, Rt 1, Box 48, Hoven SD 57450 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. 5725-3 appropriates an additional 0.15 cubic feet of water per second (cfs) to irrigate lands covered by Water Permit Nos. 4449-3 and 4768-3. Water Permit No. 4449-3 appropriates 1.85 cfs from one well (Bowdle:Edmunds Aquifer) located in the SW 1/4 Section 3 to irrigate 130 acres located in the S 1/2 Section 3-T120N-R73W. Water Permit No. 4768-3 authorizes one additional well located in the SW 1/4 SE 1/4 Section 3 with no increase in the diversion rate and to irrigate 95 additional acres located in the W 1/2 SE 1/4 Section 3; all in T120N-R73W. This permit increases the water diversion rate from 1.85 cfs to 2.00 cfs from the two wells. Water Permit Nos. 4449-3, 4768-3 and this permit, combined, may not exceed 1 cfs for each 70 acres irrigated.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is October 20, 1992 (for additional appropriation of 0.15 cfs.
4. The date of approval of Permit No. 5725-3 is December 30, 1992.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAR 17 1993

date

RECEIPT

413478

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, October 20, 19 92

RECEIVED OF Norbert Arbach, Hoven, SD 57450

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

Fee for Application for Permit No. <u>5725-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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 _____		

(Any Other Work Provided by Law)	Total	150 00

By John Hald
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4733

WR#

OWNERS NAME: NORBERT & MARY ARBACH OWNERS ADDRESS: RR 1 BOX 48

HOVEN, SD 57548

COUNTY LAND LOCATED IN: POTTER PHONE: 948-2286

LEGAL DESCRIPTION: (2) ☒ Well ☐ Surface

1. LOCATION SE $\frac{1}{4}$ 3-T120N-R73W

Depth _____

Legal Description	Acres	Legal Description	Acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3-T120N-R73W	1	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 3-T120N-R73W	17
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 3-T120N-R73W	5	NE $\frac{1}{4}$ SE $\frac{1}{4}$ 3-T120N-R73W	23
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 3-T120N-R73W	10	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 3-T120N-R73W	23
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3-T120N-R73W	30	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 3-T120N-R73W	31

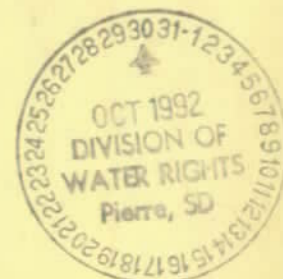
2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XX GUN: _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:	
4. WATER SAMPLE NUMBER: <u>79-663</u>	7. ADJUSTED (SAR): <u>1.75</u>
5. SALINITY (EC X 10 ⁶): <u>1610</u>	8. PERCENT SODIUM <u>12.30</u>
6. SODIUM (SAR): <u>0.90</u>	

Requirements:

As specified under the previous Soil and Water Compatibility Permit #2906-PT and the permit issued in November, 1979 (See Attached).



Russell J. Hane
Director, Division of Conservation

OCTOBER 27, 1992

Date

XX APPROVED
____ DISAPPROVED
____ WAIVER

XX REQUIREMENTS

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

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Norbert & Mary Arbach Unit # 1

ADDRESS Rt. # 1, Box 48, Hoven, SD 57450

COUNTY Potter County

LEGAL DESCRIPTION

1. WELL LOCATION SW $\frac{1}{4}$ of 3-120-73
2. LOCATION OF AREA TO BE IRRIGATED S $\frac{1}{2}$ of 3-120-73

TYPE OF IRRIGATION

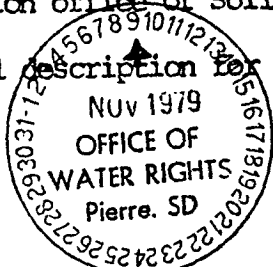
3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED Corn and Alfalfa

WATER QUALITY

5. SAMPLE NUMBER 10 13
6. SALINITY (EC X 10⁶) 1110
7. SODIUM (SAR) 50 = 2.50 1.75
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from Potter County Conservation District, County Extension office or Soil Conservation Service.

and: that the legal description for the location of the well and land to be irrigated is true and correct.



Norbert Arbach
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
17 DAY OF October 19 79.

(TITLE OR SEAL)

COMMISSION EXPIRES
MAY 4, 1984

APPROVED/_____
CONDITIONAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT

~~Norbert & Mary Arbach, Hoven, South Dakota~~

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

82 - Calvin silt loam.
Flooded and saline phase,
approximately 40 acres

Soils would become waterlogged under
irrigation because of seasonal high water
table and natural flood plain conditions.

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 3-5 times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least 2-3 inches of water.
3. ☒ Yes ☐ No Surface drainage suggested on (See below).
4. ☐ Yes ☐ No Subsurface drainage suggested on _____.
5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils.

COMMENTS: Your experience will dictate. Generally, the heavier textured soils

6. ☐ Heavy ~~fall~~ ^{on the flatter slopes} application of irrigation water.
7. Type of irrigation system recommended for use on this application center pivot on
~~SE 1/4; gun or shorter system for SW part of SW 1/4~~

GENERAL COMMENTS:

It does not appear feasible to purchase a separate pivot for the SW 1/4-3. If however, you intend to move the pivot from one quarter to the other, there would be certain dry seasons that you might water alfalfa and/or grasses in the SW 1/4. It appears that 1/2 to 3/4 of the SW 1/4-Section 3 should be kept in alfalfa and/or grass legume mixture.

Calvin soils are in 3 groups; some can be irrigated, some flood, and some are saline. ~~XXXXXX~~ It would necessitate soil samplings (or monitoring to determine what areas may be saline or what areas could benefit from initiated surface drainage and subsequently be cropped.

Copy to applicant
Copy to Water Rights
Copy on File

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

2906-PT

OWNERS NAME: Norbert Arbach OWNERS ADDRESS: RT 1 Box 48
Hoven, So. D.K.

COUNTY LAND LOCATED IN: Potter PHONE: 948-2286

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)
1. WELL LOCATION OR DIVERSION POINT: SW 1/4 Section 3, T120N, R73

2. SURFACE WATER SOURCE: _____

3. LOCATION OF AREA TO BE IRRIGATED: (NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See Instruction sheet))

Legal Description	Acres	Legal Description	Acres
THIS APPL WILL ADD	29		
29 ACRES IN THE W 1/4			
TO ACCOMMODATE A CENTER			
PIVOT SYSTEM. EASE IS COVERED			

4. TYPE OF IRRIGATION: GRAVITY ☐ FLOWLINE ☐ CENTER PIVOT ☒ GUN ☐ OTHER: (Specify) _____

5. CROPS TO BE IRRIGATED: _____

6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 29-663
8. SALINITY (EC x 10³): 1640
9. SODIUM (SAR): 9.0
10. ADJUSTED (SAR): 2.50

RECEIVED

JUN 01 1981

South Dakota
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at the same place, time, and on _____ 19____, at the following location: _____

by _____ (individual who took sample, if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS _____

1 DAY OF June 1981

Martin Gleason
(NOTARY PUBLIC)

I, M. P. O. R. T. R. A. N. T.

APPLICANT'S SIGNATURE: Norbert Arbach

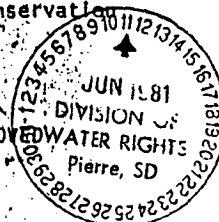
Director, Division of Conservation

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

Action by the Department of Agriculture and the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.



Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Norbert Arbach

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

The soils indicated by red hatch marks may tend to pond water under irrigation.

These soils should be kept in permanent vegetation if problems with ponding occur.

RECOMMENDED MANAGEMENT

N/A



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 14, 1992

Norbert Arbach
Rt 1, Box 48
Hoven, SD 57548

Dear Mr. Arbach:

Please find enclosed a partially completed application and instruction sheet for 6 additional acres in the SW 1/4 of Section 3, T120N, R73W. You will not have to provide a map, as I have already prepared one. Soil/Water will not be necessary, it has been done for both wells and the S 1/2 of Section 3, T120N, R73W.

Also enclosed is a copy of the map that I have prepared. Please make any corrections if there are any.

The 6 acres are located as described on the application. Lands in the NE 1/4 and the SE 1/4 were not listed on Permit No. 4449-3, nor on Permit No. 4768-3; therefore, a new application must be made to cover such lands. The fee for such application will be \$150.00, as per number 6 on the instruction sheet.

After the application has been sent in and approved, the permits will be licensed, as per number 9 on the instruction sheet.

If you have any questions, please feel free to contact me.

Sincerely,

Lynn Beck
Natural Resources Engineer
Water Rights Division
(605) 773-3352

encl

Report on Application No. 5725-3
Norbert and Mary Arbach
November 19, 1992

This application proposes to appropriate an additional 0.15 cubic feet of water per second (cfs) to irrigate lands covered by Water Permit Nos. 4449-3 and 4768-3. Water Permit No. 4449-3 appropriates 1.85 cfs from one well located in the SW 1/4 of Section 3 to irrigate 130 acres located in the S 1/2 Section 3-T120N-R73W. Water Permit No. 4768-3 authorizes one additional well located in the SW 1/4 of Section 3, with no increase in the diversion rate, to irrigate 95 additional acres located in the W 1/2 SE 1/4 of Section 3; all in T120N-R73W. This application increases the water appropriation from 1.85 cfs to 2.00 cfs from the two wells. Water Permit Nos. 4449-3, 4768-3 and 5725-3, combined, may not exceed 1 cfs for each 70 acres irrigated.

Aquifer - Bowdle-Edmunds Management Unit (B-E)

The Bowdle Aquifer consists of glacial outwash deposits which are composed of sand and gravel at or near the land surface. The aquifer underlies over 46,900 acres of Walworth, Potter, Edmunds and Faulk Counties and contains 135,000 acre-feet of recoverable water (Hedges, 1982). The maximum thickness of this formation is approximately 73' with a depth ranging from 20 to 60 feet below the ground surface. The well logs accompanying the application describe a sand and gravel layer beginning at 6 feet and extending 44 to 51 feet. The Division of Water Rights maintains several monitoring wells in the Bowdle - Edmunds Management Unit. Observation well PT-81B is within 1/2 mile of the applicant's diversion points. The well log for PT-81B indicates clean, coarse, sand and gravel at a depth of 13 to 38 feet.

Review of Existing Water Rights

There are 8 existing irrigation permits in the Bowdle - Edmunds Management Unit with a combined appropriation of 2,002 acre-feet. In 1992 reported pumpage was 136.9 acre-feet (Water Rights Division, 1992). Only 19% of the 10,553 acre feet recharge for the B-E management unit is appropriated. The recharge estimate is based on 2.7 inches per year using observation well data (Hedges, 1983). The observation well, PT-81B, reacts to seasonal fluctuations but area water use seems to have little effect on water levels.

Conclusions:

1. There is water available for use from the Bowdle Aquifer (Edmunds Management Unit).
2. Water levels in the aquifer reflect normal drawdown and recharge patterns.
3. The well interference qualification should be included as a permit qualification.

4. This application is a result of the normal inspection procedure. During the inspection, it was found that an additional 0.15 cfs was used for irrigation on permit nos. 4449-3 and 4768-3. The combined diversion rates from Permit Nos. 4449-3 and 4768-3 and this application, if approved, is not to exceed 1.0 cfs for each 70 acres irrigated.
5. Approval of this application is subject to completion of the annual irrigation questionnaire.

Lynn Beck *Lynn Beck*
Natural Resources Engineer III

Approved by:

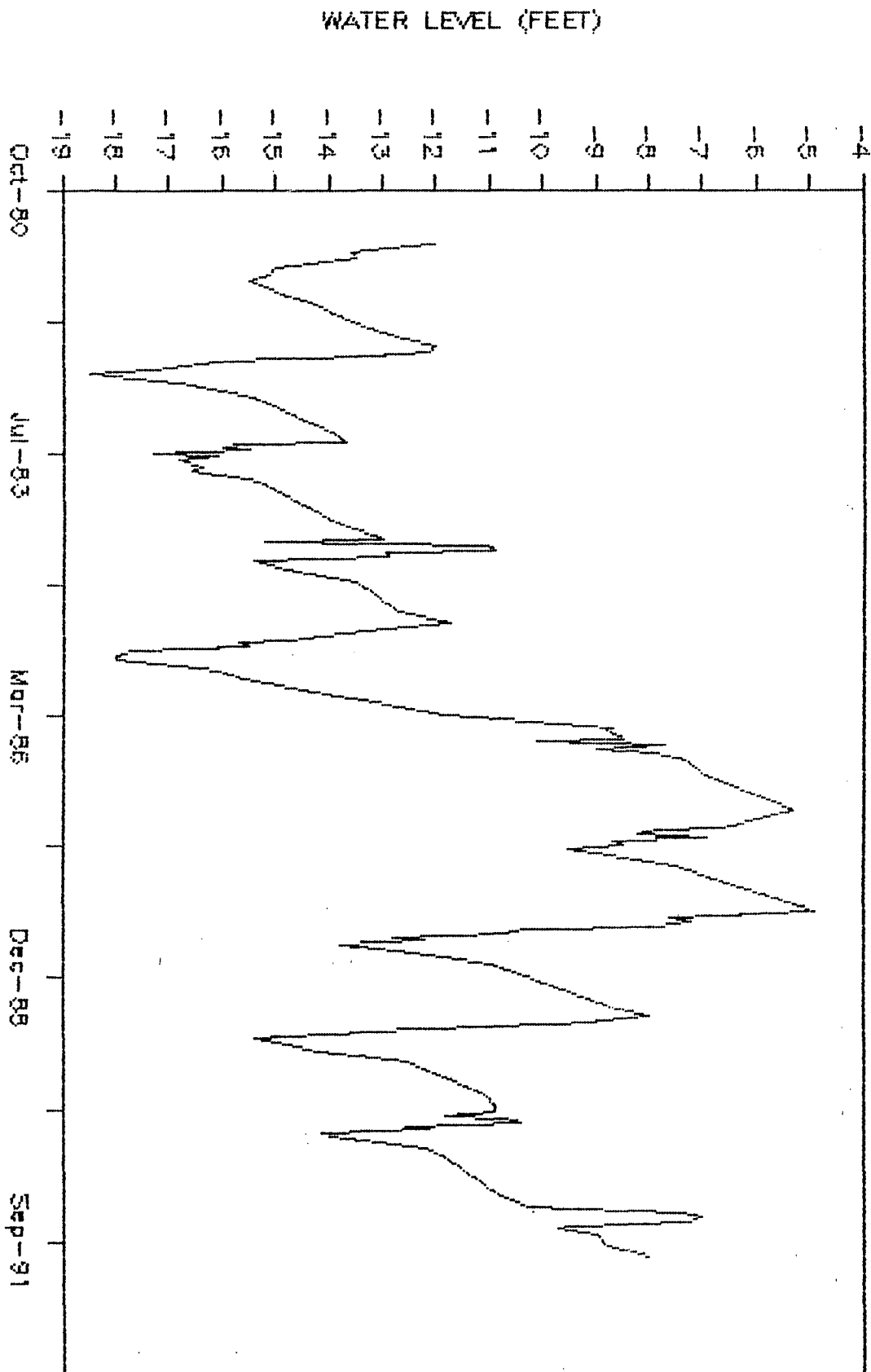
Gale N. Selken
Gale N. Selken
Natural Resources Engineer IV

Bibliography

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, R.A. Schoon, 1982, Evaluation of Groundwater Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, U.S. Army Corps of Engineers Contract DACW 45-80-C-0185, DWNr, Division of Geological Survey, Huron, SD.
- Water Rights Division, 1992, "Observation Well Files", DENR, Water Rights Division, Joe Foss Bldg., Pierre, SD.
- Water Rights Division, 1992, 1991 Irrigation Summary by Aquifer, DENR, Water Rights Division, Joe Foss Bldg., Pierre, SD.
- Hedges, L.S., J. Allen, D. Holly, 1983, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge, for U.S. Army Corps of Engineers Contract # DACW 45-80-C-0185.

WATER RIGHTS OBSERVATION WELL

PT-81B



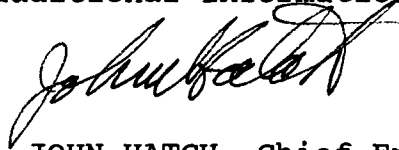
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5725-3, Norbert and Mary Arbach

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. 5725-3, Norbert and Mary Arbach, Rt 1 Box 48, Hoven, SD 57548.

The Chief Engineer is recommending APPROVAL of Application No. 5725-3 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) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
November 20, 1992



**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.

November 23, 1992

Norbert and Mary Arbach
Rt 1 Box 48
Hoven, SD 57548

Dear Mr. & Mrs. Arbach:

Water Permit Application No. 5725-3 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 Hoven Review printed at Hoven, SD (Ph # 948-2110). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 23, 1992

Hoven Review
Box 37
Hoven, SD 57450

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5725-3 to be published twice. Please publish the first notice on December 3, 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 Norbert and Mary Arbach, Rt 1 Box 48, Hoven, SD 57548 (Ph # 948-2286).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on December 3, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5725-3 to Appropriate Water
and to Amend Water Permit Nos. 4449-3 and 4768-3

Notice is given that Norbert and Mary Arbach, Rt 1 Box 48, Hoven, SD 57548 has filed an application for a water permit to appropriate an additional 0.15 cubic feet of water per second (cfs) to irrigate lands covered by Water Permit Nos. 4449-3 and 4768-3. Water Permit No. 4449-3 appropriates 1.85 cfs from one well (Bowdle:Edmunds Aquifer) located in the SW 1/4 Section 3 to irrigate 130 acres located in the S 1/2 Section 3-T120N-R73W. Water Permit No. 4768-3 authorizes one additional well located in the SW 1/4 SE 1/4 Section 3 with no increase in the diversion rate, and to irrigate 95 additional acres located in the W 1/2 SE 1/4 Section 3; all in T120N-R73W. This application increases the water diversion rate from 1.85 cfs to 2.00 cfs from the two wells. Water Permit Nos. 4449-3, 4768-3 and this application, combined, may not exceed 1 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5725-3 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 December 21, 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. 5725-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for December 30, 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 December 30, 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 December 30, 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 December 21, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by December 21, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

•

PROOF OF PUBLICA

STATE OF SOUTH DAKOTA)
 County Potter) ss.

Lena Wagner

certify that the attached printed Notice was
 from the Hoven Review

A newspaper which during the whole time of publica
 said notice herein after stated, has been and is print
 published in the Hoven Review

City Hoven of Hoven
 County of Potter and State of South I
 that the said notice was published in said newspaper
 following two dates:

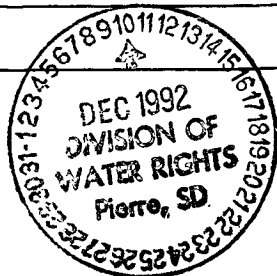
12-3 & 12-10, 1992

Lena Wagner
 (Signature)

Publisher
 (Title)

12-10-92
 (Date Signed)

Cost of Printing: \$102.90



NOTICE OF HEARING on Application No. 5725-3 to Appropriate Water to Amend Water permits Nos. 4449-3 and 4768-3.

Notice is given that Norbert and Mary Arbach, RT 1, Box 48, Hoven, SD 57450 has filed an application for a water permit to appropriate an additional 0.15 cubic feet of water per second (cfs) to irrigate lands covered by Water Permit Nos. 4449-3 and 4768-3. Water Permit No. 4449-3 appropriates 1.85 cfs from one well (Bowdle-Edmunds Aquifer) located in the SW 1/4 Section 3 to irrigate 130 acres located in the S1/2 Section 3-T120N-R73W. Water Permit No. 4768-3 authorizes one additional well located in the SW 1/4 SE 1/4 Section 3 with no increase in the diversion rate, and to irrigate 95 additional acres located in the W 1/2 SE 1/4 Section 3; all in T120N-R73W. This application increases the water diversion rate from 1.85 cfs to 2.00 cfs from the two wells. Water permit Nos. 4449-3, 4768-3 and this application, combined may not exceed 1 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5725-3 because 1) unappropriated water is available, 2) existing right 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 applicaiton 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.

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(Published in the Hoven Review, Dec. 3, and Dec. 10, 1992)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 17 1993

Norbert and Mary Arbach
Rt 1 Box 48
Hoven, SD 57450

Dear Mr. & Mrs. Arbach:

Enclosed is Water Permit No. 5725-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 2, 1993

SECOND NOTICE

Permit No: 5725-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Norbert and Mary Arbach
Rt 1, Box 48
Hoven, SD 57450

Dear Mr. & Mrs. Arbach:

On March 17, 1993, you were notified the final inspection fee of \$50.00 is due before Water License No. 5725-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

for John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

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:

5725-3

4a. Article Number

P 318 052 528

4b. Service Type

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

Norbert and Mary Arbach
Rt 1, Box 48
Hoven, SD 57450

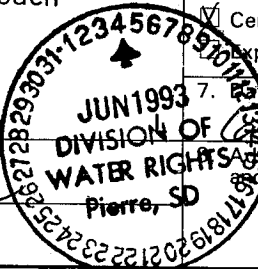
7. Date of Delivery

JUN 3-93

5. Signature (Addressee)

Mary Arbach

6. Signature (Agent)



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

PS Form 3811, December 1991

★U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

RECEIPT

413796

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, June 7, 19 93

RECEIVED OF Norbert Arbach, Rt 1 Box 48, Hoven, SD 57450

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>5725-3</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

Water Rights Program - DENR

FILE DOCUMENTATION

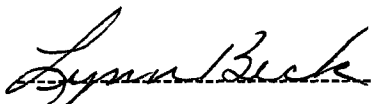
May 23, 1996

Permit No. 4768-3 authorizes one well (well #2) in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ 3, 120N, 73W to irrigate a 95 acre circle in the SE $\frac{1}{4}$ 3, 120N, 73W. The permit was advertised to irrigate the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3. Permit No. 4449-3 covers acres in the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3 to be irrigated from one well (well #1) in the SW $\frac{1}{4}$ Section 3.

At present well #2 irrigates the full 95 acre circle. 54 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3, contiguous to the acres irrigated in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3, are to be irrigated by well #2. Total acre irrigated in the SE $\frac{1}{4}$ Section 3 is 94.

Under Permit No. 4449-3 well #1 is authorized to irrigate 130 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3, 120N, 73W. There are 6 contiguous acres in the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3 not authorized under the original permit. A 46 acre circle is irrigated in the SW $\frac{1}{4}$ Section 3.

After July 1, 1996 the permits will be updated with the location of the contiguous acres. The permits can be licensed once the acreage location is taken care of. No additional acres.



Lynn Beck
Natural Resources Engineer

4449-3 was advertised for one well in NW $\frac{1}{4}$ SW $\frac{1}{4}$ for 1.85 cfs to irrigate 130 acres in S $\frac{1}{2}$ Sec. 3.

4768-3 was advertised for one ^{add'l to 4449-3} well located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ for no additional water to irrigate NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3. These are additional acres to 4449-3.

5725-3 New application was made for add'l diversion rate, 0.15 cfs. No add'l acres, however, acreage in each quarter quarter was spelled out on the application. Though acres may not have been listed the same on the applications (4449-3 and 4768-3) they were covered by advertisement. Both div. pts are listed on new appl. Don't need to specify which well irrigates which lands. 1.85 cfs retains Nov. 5, 1979 priority date along w/ 130 acres in S $\frac{1}{2}$ Sec. 3. 0.15 cfs retains priority date of October 20, 1992. 10 acres in S $\frac{1}{2}$ Sec. 3 retain priority date is June 1, 1981.

New appl. takes care of add'l diversion rate, specific location of wells and acres irrigated.

Permit No. 4449-3 and 4768-3 5725-3Missouri 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 Norbert and Mary Arbach of Rt. #1, Box 48, Hoven, SD 57548 holder of Permit No. 4449-3 and 4768-3, bearing the priority of November 5, 1979 and June 1, 1981 authorizing the diversion of 1.85 cu. ft. per second of the waters of Bowdle Aquifer for irrigation purposes, in Potter County.

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

A. Works used to divert the water:

Well #1 - 45' deep with 35' of 16" pvc casing and 10' of 16" stainless steel screen.Franklin motor with a 20 hp rating and Valley pump with a capacity of 350 gpm.

Well #2 - 56' deep with 46' of 16" pvc casing and 10' of 16" stainless steel. Franklin motor with a 40 hp rating and Valley pump with a capacity of 750 gpm.

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

1095' of 6" pvc and 1360' of 8" pvc.

C. Works used to apply water to beneficial use:

Lindsey Zimmatic center pivot 5 towers, 580' long, with an end gun and 350 gpm capacity.Lindsey Zimmatic center pivot 6 towers, 1180' long, with an end gun and 750 gpm capacity.

The system is in the following condition good. The point of diversion is located well #1 is 680' S and 1320' E of the W corner and well #2 is 490' N and 2300' W of the SE corner, all in Section 3, T120N, R73W. The works are capable of diverting and conveying to the

place of use ^{2.44}~~2.0~~ 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 3, T120N, R73W:Permit No. 4449-3Permit No. 4768-3NW 1/4 SW 1/4 10 acresNW 1/4 SE 1/4 17 acresNE 1/4 1 "NE 1/4 23 "

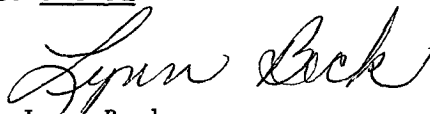
SW 1/4 30 acres SW 1/4 23 acres

SE 1/4 5 " SE 1/4 31 "

comprising a total of 140 acres of land and the license should be issued for 2.0 cfs.

Application permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: none Date 9-3-92



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 4449-3 and 4768-3

DATE 9-3-92

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: Well #1 680' S and 1320' E of W corner and well #2 490' N and 2300' W of SE corner Sec. 3-120-73

WELL INFORMATION: Well Drilling Firm Vergil Worm

No. of Wells 2 Depth(s) 45' and 56'

Well #1

- | | |
|---|--|
| a) Casing: 1) diameter <u>16</u> inches | b) Screen: 1) type <u>16 Stainless Steel</u> |
| 2) length <u>35</u> feet | 2) length <u>10</u> feet |
| 3) type <u>pvc</u> | c) Pump 1) make <u>Valley</u> |
| d) Static Water Level <u>4</u> feet | 2) model |
| e) Motor: | 3) size inches |
| 1) make <u>Franklin</u> | 4) capacity <u>350</u> GPM |
| 2) model No. | 5) turbine pump - No. of stages |
| 3) horsepower rating <u>20</u> hp | 6) operating pressure PSI |

Well #2

- | | |
|---|---|
| a) Casing: 1) diameter <u>16</u> inches | b) Screen: 1) type <u>16" Stainless Steel</u> |
| 2) length <u>46</u> feet | 2) length <u>10</u> feet |
| 3) type <u>pvc</u> | c) Pump 1) make <u>Valley</u> |
| d) Static Water Level <u>10</u> feet | 2) model |
| e) Motor: | 3) size inches |
| 1) make <u>Franklin</u> | 4) capacity <u>750</u> GPM |
| 2) model No. | 5) turbine pump - No. of stages |
| 3) horsepower rating <u>40</u> hp | 6) operating pressure PSI |

DISTRIBUTION LINES OR CANALS:

- | | | |
|--------------------|-------------------------|----------------------------|
| a) type <u>pvc</u> | b) size <u>6</u> inches | c) length <u>1095</u> feet |
| a) type <u>pvc</u> | b) size <u>8</u> inches | c) length <u>1360</u> feet |

SYSTEM TYPE:

- a) Center pivot:
- 1) make Linsey Zimmatic
 - 2) overall length 580 feet
 - 3) number of towers 5

- 4) distance between towers feet
- 5) end gun Y (Y/N)
- 6) high or low pressure low
- 7) capacity 350 GPM

a) **Center pivot:**

- 1) make Lindsey Zimmatic
- 2) overall length 1180 feet
- 3) number of towers 6
- 4) distance between towers 170 feet
- 5) end gun Y (Y/N)
- 6) high or low pressure low
- 7) capacity 750 GPM

CHEMIGATION EQUIPMENT:

- a) does chemigate N (Y/N)
- b) main line check valve (Y/N)
- c) inspection port/air relief (Y/N)
- d) low pressure drain (Y/N)
- e) discharge is 20' from source (Y/N)
- f) interlock type
- g) injection pump type
- h) injection check valve (Y/N)
- i) injection line check valve or positive displacement pump (Y/N)
- j) all chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules (Y/N)
- k) comments :

PERMIT QUALIFICATIONS AND REGULATIONS:

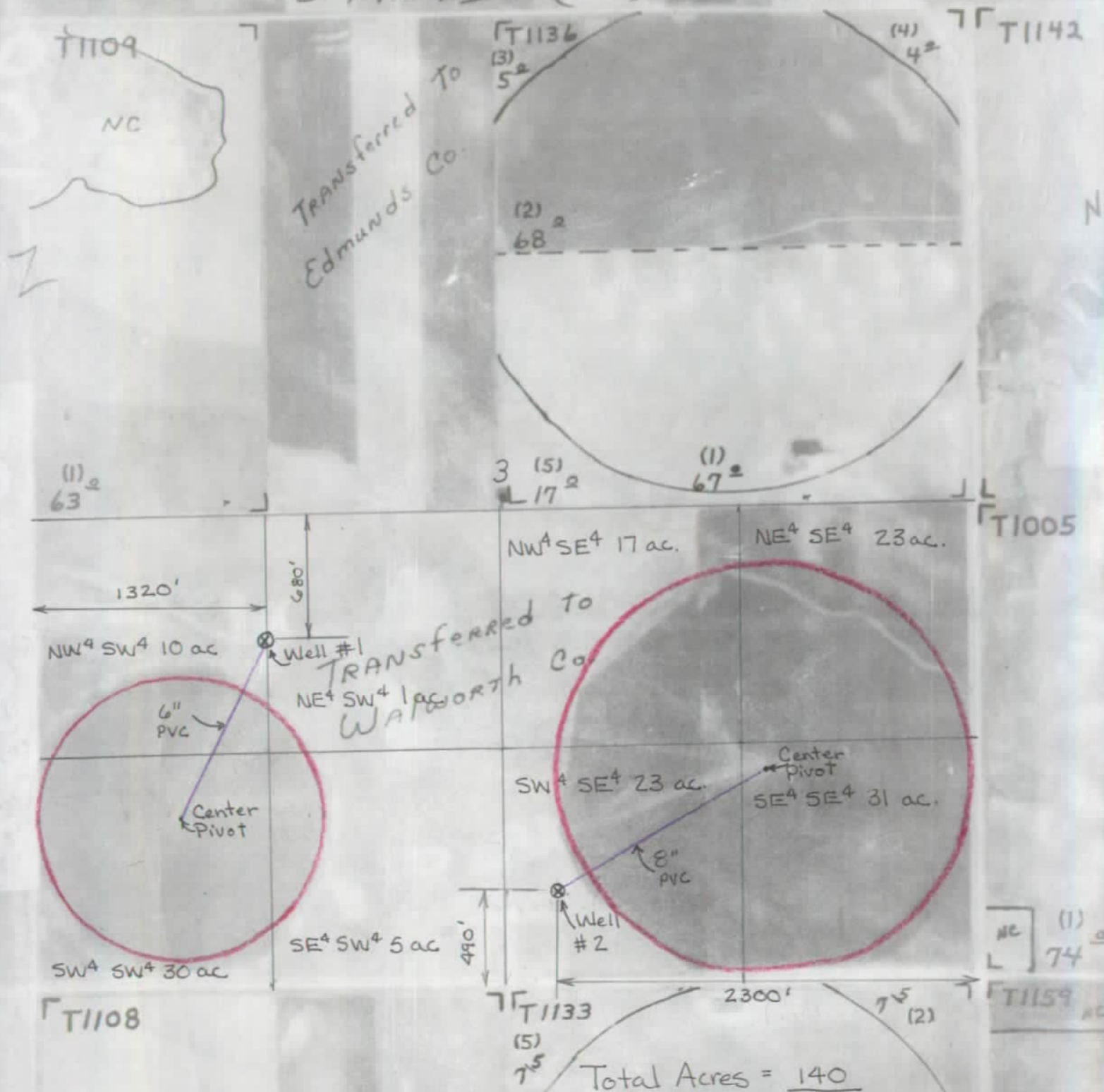
- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit N (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)

Comments: One acre in the NE 1/4 and six acres in the SE 1/4 of the SW 1/4 Sec. 3-120-73 are not listed on permit no. 4449-3 or 4768-3. An application was sent to cover these acres.

4429-2 8178

NOT TO SCALE

3-120-73 (L-18)



Well under 4449-3
NE SW 3-120-73

45' deep

16" PVC casing 35'

16" S.S. screen 10'

Static H₂O level 4'

Motor: Make Franklin #1

Mod. No. _____

H.P. 20

Worm installed
pumps

Well under 4768
SE 3-120-73

56' deep

16" PVC casing 46'

16" S.S. screen 10'

Static H₂O level 10'

Motor: Make Franklin

Mod. No. _____

H.P. 40

Pump: Make Valley

Mod. No. _____

Capacity 350 gpm

Pump: Make Valley

Mod. No. _____

Capacity 750 gpm

Center Pivot:

Make SW 4 Lindsay Zimatic 46ae SE 4 Lindsay Zimatic 97ae

Length _____

Towers (5) 550 + 30 overhang 6 @ 170' 60' overhang

End Gun Y Y

High or Low Pres. Low Low

Capacity 350 gpm 750 gpm

No Chemigation

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5725-3

(1) Norbert & Mary Arbach of RR 1 Box 48, Hoven, SD 57450-9753 made Application No. 5725-3, October 20, 1992 for a water permit to appropriate 0.15 cubic feet of water per second from ground water (two existing wells), Potter County, South Dakota for irrigation purposes. Permit No. 5725-3, with a priority date of October 20, 1992 was approved December 30, 1992. Construction and application of water to beneficial use are completed.

Water Permit No. 5725-3 authorizes an additional 0.15 cfs to irrigate land covered by Water Permit Nos. 4449-3 and 4768-3. Water Permit No. 4449-3 authorizes 1.85 cfs from one well located in the SW $\frac{1}{4}$ Section 3 to irrigate 130 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3, T120N, R73W. Water Permit No. 4768-3 authorizes an additional well located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3 to irrigate acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3.

The applicable portions of Water Permit Nos. 4449-3 and 4768-3 are incorporated into Water License No. 5725-3. The priority dates are as follows:

- November 5, 1979 (No. 4449-3) - Irrigation of the SW $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ from well #1 (NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3);
- November 5, 1979 (No. 4449-3) - Irrigation of the E $\frac{1}{2}$ SE $\frac{1}{4}$ from well #2 (SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3);
- June 1, 1981 (No. 4768-3) - Irrigation of the W $\frac{1}{2}$ SE $\frac{1}{4}$ from well #2 (SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3);
- October 20, 1992 (No. 5725-3) - Diversion of 0.15 cfs from wells #1 & #2 to irrigate all the acreage.

(2) It is certified that the permit holders have 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 2.00 cubic feet of water per second for beneficial use. The diversion points are Well #1 - 680'S and 1320'E of the W corner Section 3 (NE 1/4 SW 1/4) and Well #2 - 490'N and 2300'W of the SE corner of Section 3 (SW 1/4 SE 1/4), all in T120N, R73W.

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following 140 acres of land all in Section 3, T120N, R73W

NW $\frac{1}{4}$ SW $\frac{1}{4}$	10 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	17 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1 acre	NE $\frac{1}{4}$ SE $\frac{1}{4}$	23 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	30 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	23 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	5 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$	31 acres

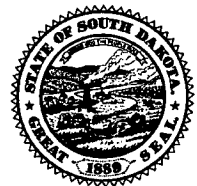
(4) Pursuant to South Dakota Water Law 46-5-30.1 Norbert & Mary Arbach of RR 1 Box 48, Hoven, SD 57450-9753 the holders and/or owners of Incorporated Water Permit No. 5725-3 are issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from ground water (two wells) with priority dates of November 5, 1979, June 1, 1981 and October 20, 1992 from the locations 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 Permit No. 5725-3 and subject to South Dakota State Law.



John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 12 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 1997

5725-3

Norbert and Mary Arbach
RR 1, Box 48
Hoven, SD 57450-9753

Dear Mr. and Ms. Arbach:

Enclosed is Water License No. 5725-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413796 in the amount of \$50.00 which you paid for the investigation 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. 5725-3, 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 Program
(605) 773-3352

gm
enclosures

NOTE: The applicable portions of Water Permit Nos. 4449-3 and 4768-3 are incorporated into Water License No. 5725-3.

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

APR 22 2003

WATER RIGHTS
PROGRAM

No. 5725-3

Date: 4-17-03

I/We request that Water Right No. 5725-3

formerly owned by: Norbert & Mary Arbach

be transferred to: (name & address) Brent D. & Angela M. Rausch
31653 149th St. Hoven, S.D. 57450

Telephone No. 605-948-2431

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

140 acres in the S 1/2 Section 3, T120N, R73W

I/We understand that the validity of Water Right No. 5725-3 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 Two Dollars and Fifty Cents (\$2.50) 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 Brent D. Rausch, the new owner, certify that the above information is true and correct.

Brent D. Rausch

(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date APRIL 22, 20 03

RECEIVED OF Brian Beuch, 14979 317th Ave., Egan SD 57430

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	2.50	
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>5725-3</u>		
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. _____	2.50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

000770

By

Darland Erbe
Chief Engineer *gms*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 23, 2003

5725-3

Brent D & Angela M Rausch
31653 149th St
Hoven SD 57450

Dear Mr. & Mrs. Rausch:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee submitted for changing ownership of Water Right No. 5725-3. The transfer has been completed. The water right formerly listed in the name of Norbert and Mary Arbach is now listed your names.

Each year in October, we mail out the annual irrigation questionnaire. Enclosed is a sample copy for your review. This will give you an idea of what type of information you will need to keep track of during the irrigation season.

I have included a copy of the water permit, water license, inspection report and map for you to keep. Also enclosed is your Receipt No. 000770 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: BRENT D & ANGELA M RAUSCH, 31653 149TH ST, HOVEN, SD 57450

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5725-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5725-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5725-3 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.

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, 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 at (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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 2004

5725-3

Brent D & Angela Rausch
31653 149th St
Hoven SD 57450

Dear Mr. & Mrs. Rausch:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 5725-3.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: BRENT D & ANGELA M RAUSCH, 31653 149TH ST, HOVEN, SD 57450

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5725-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5725-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5725-3 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.

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2008

5725-3

Brent & Angela Rausch
31653 149th St
Hoven SD 57450

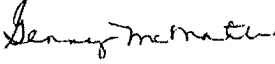
Dear Mr. & Mrs. Rausch:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 5725-3.

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



5725-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: BRENT D & ANGELA M RAUSCH, 31653 149TH ST, HOVEN, SD 57450

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5725-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5725-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5725-3 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.

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

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.



5725-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 9372

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 2:17 PM on January 23, 2010 in HOVEN, SD 57450. The item was signed for by B RAUSCH.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 23, 2010, 2:17 pm, HOVEN, SD 57450
- Out for Delivery or Available at PO Box, January 23, 2010, 9:27 am, HOVEN, SD 57450
- Sorting Complete, January 23, 2010, 8:57 am, HOVEN, SD 57450
- Arrival at Post Office, January 23, 2010, 8:38 am, HOVEN, SD 57450

Notification Options

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No FEAR Act EEO Data

FOIA

Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 9372

BRENT D & ANGELA M RAUSCH
31653 149TH ST
HOVEN SD 57450

Waiver of Signature ☐ YES ☐ NO

Postmark Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2010

5725-3

Brent D & Angela M Rausch
31653 149th St
Hoven SD 57450

Dear Mr. & Mrs. Rausch:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 5725-3.

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,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



5725-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: BRENT D & ANGELA M RAUSCH, 31653 149TH ST, HOVEN, SD 57450

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5725-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5725-3 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5725-3 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.

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.

5725-3

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 0515

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 1:58 pm on January 25, 2011 in HOVEN, SD 57450. The item was signed for by A RAUSCH.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 25, 2011, 1:58 pm, HOVEN, SD 57450
- Notice Left, January 22, 2011, 1:13 pm, HOVEN, SD 57450
- Out for Delivery, January 22, 2011, 8:45 am, HOVEN, SD 57450
- Sorting Complete, January 22, 2011, 8:35 am, HOVEN, SD 57450
- Arrival at Post Office, January 22, 2011, 7:20 am, HOVEN, SD 57450

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FOIA

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0515

BRENT D & ANGELA M RAUSCH
31653 149TH ST
HOVEN SD 57450

Waiver of Signature ☐ YES ☐ NOPostmark
Here

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com[®]
or call 1-800-222-1811

- ☐ Priority Mail™ Service
- ☐ First-Class Mail® parcel
- ☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 2011

5725-3

Brent & Angela Rausch
31653 149th St
Hoven SD 57450

Dear Mr. & Mrs. Rausch:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 5725-3. 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
email: genny.mcmath@state.sd.us

RECEIVED

OCT 21 2011

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 5725-3

Date: 10/7/11

I/We request that Water Right/Permit No. 5725-3 formerly owned by:

Brent Rausch + Angela Rausch

be transferred to:

New Owner Name: James Baer + Pamela Baer

Address: 15214 340th Ave

City, State, Zip Onaka, SD 57464

Telephone No. 605-447-5817

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

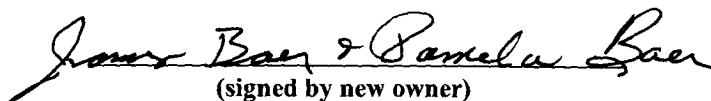
S² - 3 - 120 - 73, west of the 5th P.M., Potter County, SD

☒ I understand that the validity of Water Right/Permit No. 5725-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, James Baer + Pamela Baer, the new owner, certify that the above information is true and correct.


(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/21, 20 11

RECEIVED OF James Baer 15214 340th Ave Onaka SD 57466

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. _____		
Fee for Filing Transfer Form <u>5725-3</u>		
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. **05049**

By

Isabel Ebele
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

October 24, 2011

5725-3

James & Pamela Baer
15214 340th Ave
Onaka SD 57466

Dear Mr. & Mrs. Baer:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 5725-3.

The ownership change has been completed. The water right formerly held by Brent and Angela Rausch is now listed in your names.

Enclosed for your records is Receipt No. 05049 in the amount of \$50.00. In the event you do not have one, I am also including a copy of the water right.

If I can answer any questions for you, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



5725-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: JAMES & PAMELA BAER, 15214 340TH AVE, ONAKA, SD 57466
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5725-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5725-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5725-3 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.

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 15, 2018

5725-3

James & Pamela Baer
15214 340th Ave
Onaka SD 57466

Dear Mr. & Mrs. Baer:

I am writing to acknowledge receipt of your 2017 irrigation questionnaire. The form was submitted by Timothy Baer.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 5725-3. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

As requested, future irrigation questionnaires will be directed to Timothy for completion. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Timothy Baer, 34180 147th St, Onaka SD 57466



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 22, 2021

NOTICE

TO: TIMOTHY BAER, OPERATOR, 34180 147TH ST, ONAKA, SD 57466
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5725-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5725-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5725-3 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.

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/ig> using this password: ROQTLX**

C: JAMES & PAMELA BAER, 15214 340TH AVE, ONAKA SD 57466

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.

5725-3



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SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 3, 2021

5725-3

Timothy Baer
34180 147th St
Onaka SD 57466

Dear Mr. Baer:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 5725-3. 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,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

C: James & Pamela Baer, 15214 340th Ave, Onaka SD 57466

5725-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: TIMOTHY BAER, OPERATOR, 34180 147TH ST, ONAKA, SD 57466

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5725-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5725-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5725-3 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.

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: WNEKHF**

c: JAMES & PAMELA BAER, 15214 340TH AVE, ONAKA SD 57466

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 31, 2023

5725-3

Timothy Baer
34180 147th St
Onaka SD 57466

Dear Mr. Baer:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 5725-3. 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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

c: James & Pamela Baer



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: TIMOTHY BAER, OPERATOR, 34180 147TH ST, ONAKA, SD 57466

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5725-3. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5725-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5725-3 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.

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: LRRVUK**

JAMES & PAMELA BAER, 15214 340TH AVE, ONAKA SD 57466

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2024

5725-3

Timothy Baer, Op
34180 147th St
Onaka SD 57466

Dear Mr. Baer:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 5725-3. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

cc: JAMES & PAMELA BAER, 15214 340TH AVE, ONAKA SD 57466



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 13, 2025

5725-3

Timothy Baer, Operator
34180 147th St
Onaka SD 57466

The Water Rights Program is in receipt of the 2024 Irrigation Questionnaire you submitted for Water Right No. 5725-3, held by James & Pamela Baer.

On this year's questionnaire you indicated the irrigation of 140 acres of soybeans at a rate of 30,000 gallons per minute. Water Right No. 5725-3 authorizes a diversion rate of 2.0 cfs (900 gallons per minute). I've enclosed a copy for you to review.

If the pump rate needs to be adjusted to reflect more accurate reporting, please make those changes on the copy, and return it in the pre-paid envelope. However, if the rate of diversion has been increased, additional permitting will be required.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure