

WATER PERMIT NO. 5761-3

Phone: 264-5533

Name of Applicant: d Pahl
Hartmans ~~Paul~~ & Roger Shoup

Post Office Address: 917 McKinley, Pierre SD 57501

Amount of Water Claimed: 0.86 cfs Total Acres: 60 acres

Source of Water Supply: Missouri River

Water to be used for: irrigation County: Sully

About 22 miles west of Onida

PRIORITY Date Received: 2-26-93 Fee: \$150 Remarks: _____

Corrected Application Received: 3-15-93 Period of Annual Use: April 1- Oct 31

WATER QUALITY APPROVAL RECEIVED: 3-26-93 APPROVED/CONDITIONAL (Circle one)

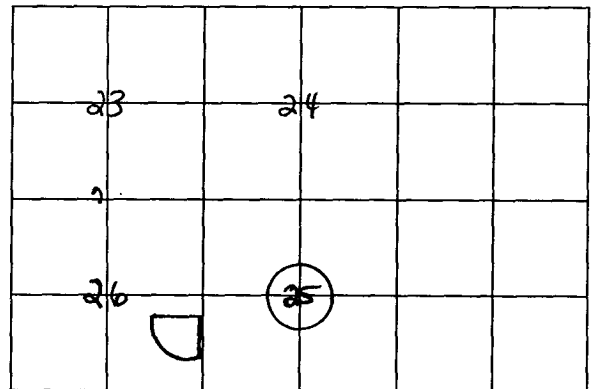
WI-1 Description same as Application YES _____ NO _____ REMARKS: _____

Diversion Point: W 1/2 SE 1/4 Sec 21-T114N-R81W

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

NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Sec 25; and

E 1/2 SE 1/4 Sec 26; all in T114N-R81W



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial PREPARED BY: Larry Martin Reviewed and the Number

Assigned on: 3-29-93 By: Karen Schlaak

(See instructions)

No. 5761-3 Hydrologic Unit 10130105
Basin Missouri River
Newspaper Onida Watchman, Box 205, Onida

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

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. ~~299-3~~
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☐ Other _____

- Name of Applicant HARTMAN & PAHL Phone No. 264 5533
Post Office Address 917 MCKINLEY Pierre State S.D. Zip Code 57501-44
(Street, R.R. or Box) (City)
- Amount of water claimed (c.f.s.) 0.86 Total acres irrigated 60 acres
- Source of Water supply MISSOURI RIVER
- Location of point of diversion MAILSHACK CREEK IN LAKE OHHE
W 1/2 SE 1/4 Sec 21-T114N-R81W
County SULLY
- Counties where water will be used SULLY
- Annual period during which water is to be used APRIL 1 - OCT 31
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

ALL IN 114-81

Land Description	No. Acres Irr.
<u>SE 1/4 NW 1/4 Sec 25</u>	<u>6</u>
<u>SW 1/4 NE 1/4 Sec 25</u>	<u>6</u>
<u>NE 1/4 SW 1/4 Sec 25</u>	<u>6</u>
<u>NW 1/4 SE 1/4 Sec 25</u>	<u>6.4</u>

Land Description	No. Acres Irr.
<u>E 1/2 SE 1/4 Sec 26</u>	<u>35</u>

Attach sheet if more space is needed

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ Other: _____ (Specify) _____
- Crops to be Irrigated: CORN, BEANS, MILK, WHEAT
- Give a description of proposed project. (Attach sheet if more space is needed)

TO ADD ACRE TO PROJECT
SEE ATTACH SHEET



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.

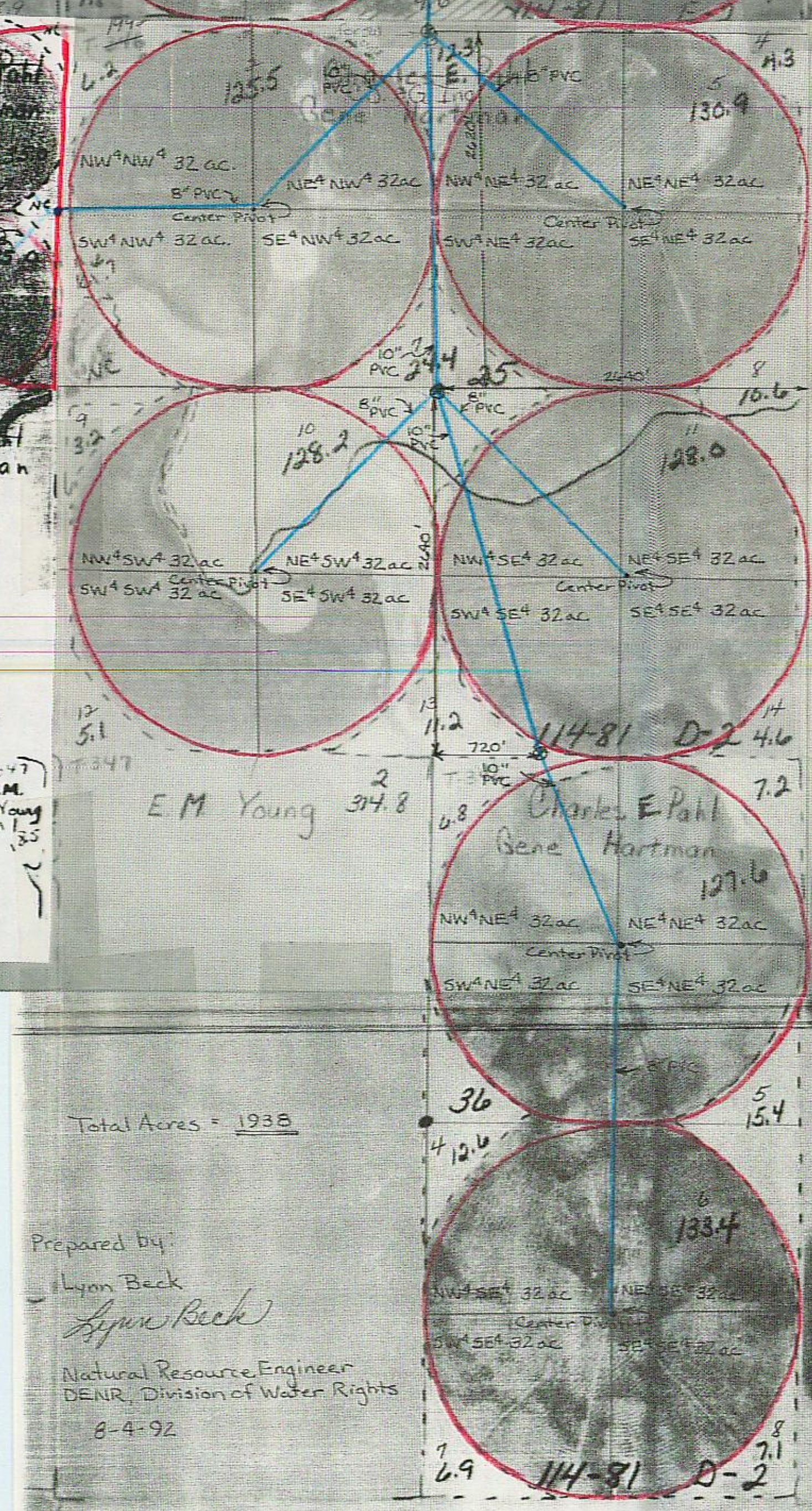
STATE OF SOUTH DAKOTA)

County of SULLY ss
HARTMAN & PAHL FARM

Oct. 23, 2000

Boquardberg, 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 Boquardberg
Subscribed and sworn to before me this 19 day of February 1993
Brenda Lomb
Notary Public



8-4-92

**SOUTH DAKOTA
WATER PERMIT NO. 5761-3**

Date of first receipt of application February 26, 1993.

Date Soil/Water Compatibility Permit received March 26, 1993.

Date of return to applicant for corrections, amendments or changes March 9, 1993.

Date of receipt of corrected application March 15, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5761-3 to Hartman & Pahl, c/o Roger Shoup, 917 McKinley, Pierre SD 57501 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5761-3 appropriates 0.86 cubic feet of water per second from the Missouri River located in the W 1/2 SE 1/4 Section 21 to irrigate 60 acres located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 25 and the E 1/2 SE 1/4 Section 26; all in T114N-R81W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is February 26, 1993.
4. The date of approval of Permit No. 5761-3 is June 2, 1993.
5. One-fifth of the construction is to be completed on or before December 2, 1995.
6. All construction is to be completed on or before June 2, 1998.
7. Water is to be put to beneficial use on or before June 2, 2002.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

By: _____

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

SEP 17 1993

date



(Joins inset, sheet 39)

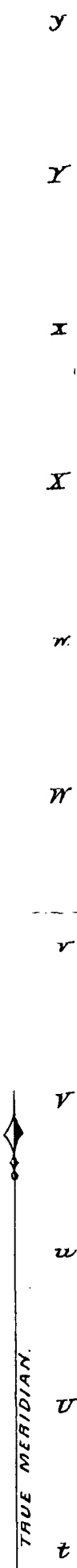


R. 81 W. | R. 80 W.

1000' ASCS



(ABANDONED FT SULLY MILITARY RESERVATION)



Latitude 44° 37' 30" N.
Longitude 100° 32' N.
Mean mag. decl. _____

U. S. Surveyor General,

Township No. 14 North, Range No. 8 West,

G f F e E a

g Sec. 6. Sec. 5.

H

h Sec. 7. Sec. 8.

I

i Sec. 18. Sec. 17.

K

CHEYENNE RIVER AGENCY RES.

(ACT OF MARCH 2^d 1889. 25 STAT. 888.)

k Sec. 19.

L

l Sec. 30.

M

m Sec. 31. 60.65

N

n o o P p

Area in acres: Public Land, Water Surface, Total Area

Surveys Designated	By Whom Surveyed.	Contract		Amount of Surveys			M
		No.	Date.	Ms.	Chs.	Lhs.	
Subdivisions.	E.H. Van Antwerp	134	Sept. 17 th 1897	15	11	95	No
Meanders	" "	"	" " "	2	67	35	"
Connections	" "	"	" " "		30	04	"
Res. Mil. Resy. line	" "	"	" " "				"
South Tp. line	" "	"	" " "				"
North boundary	G.A. Fessenden		May 14 th 1884				Jul
East. "	H.C. Fellows		Aug. 24 th 1882				O.

33.1 19.21.50 19 19.21.50



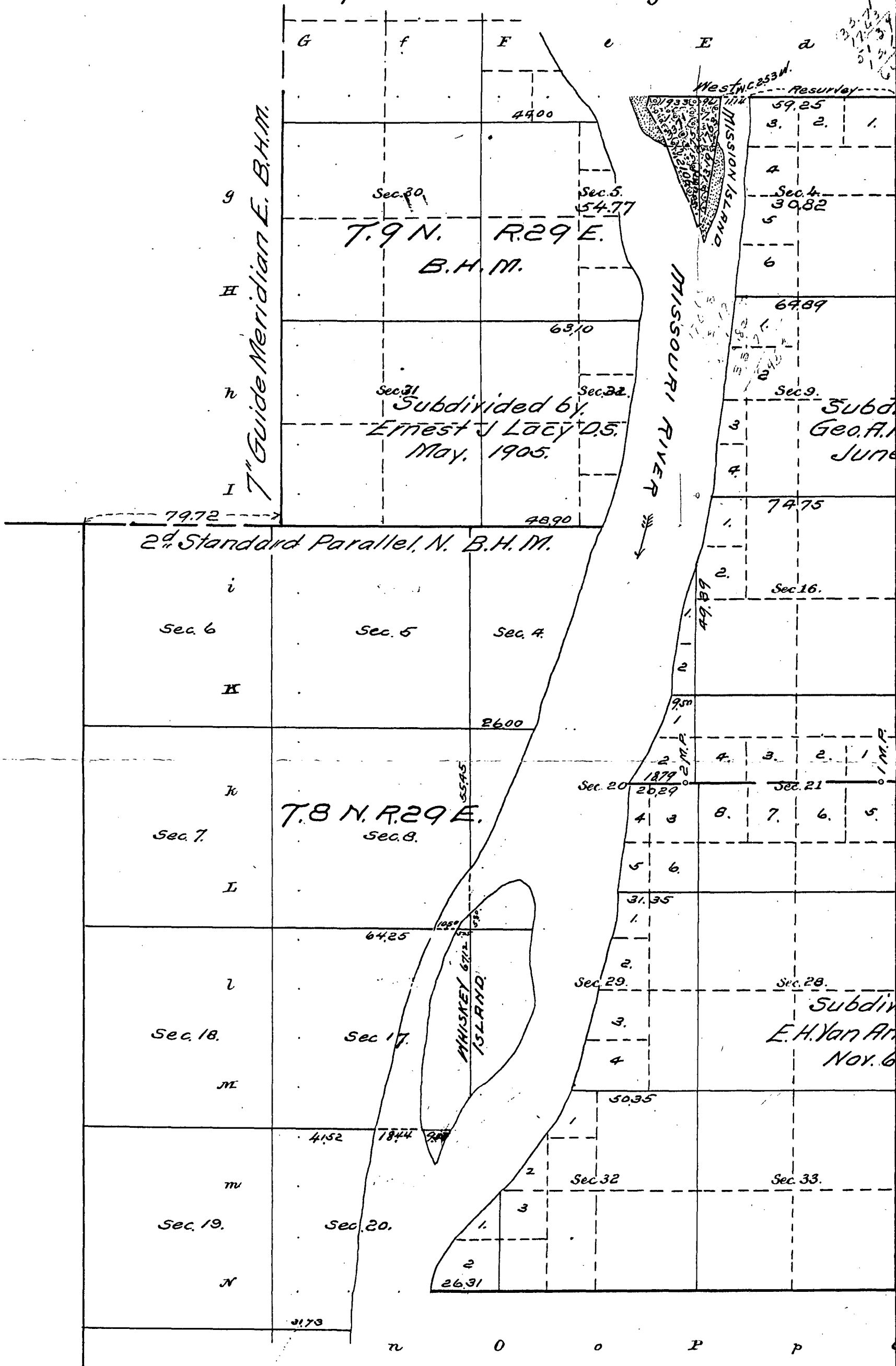
S

10 9 10 20

Scale 40

The above Map of Township No. _____ Meridian, South
the field notes of the survey thereon have been examined and approved
U. S. Surveyor General's Office
Huron S. Dax JUNE 29 1907

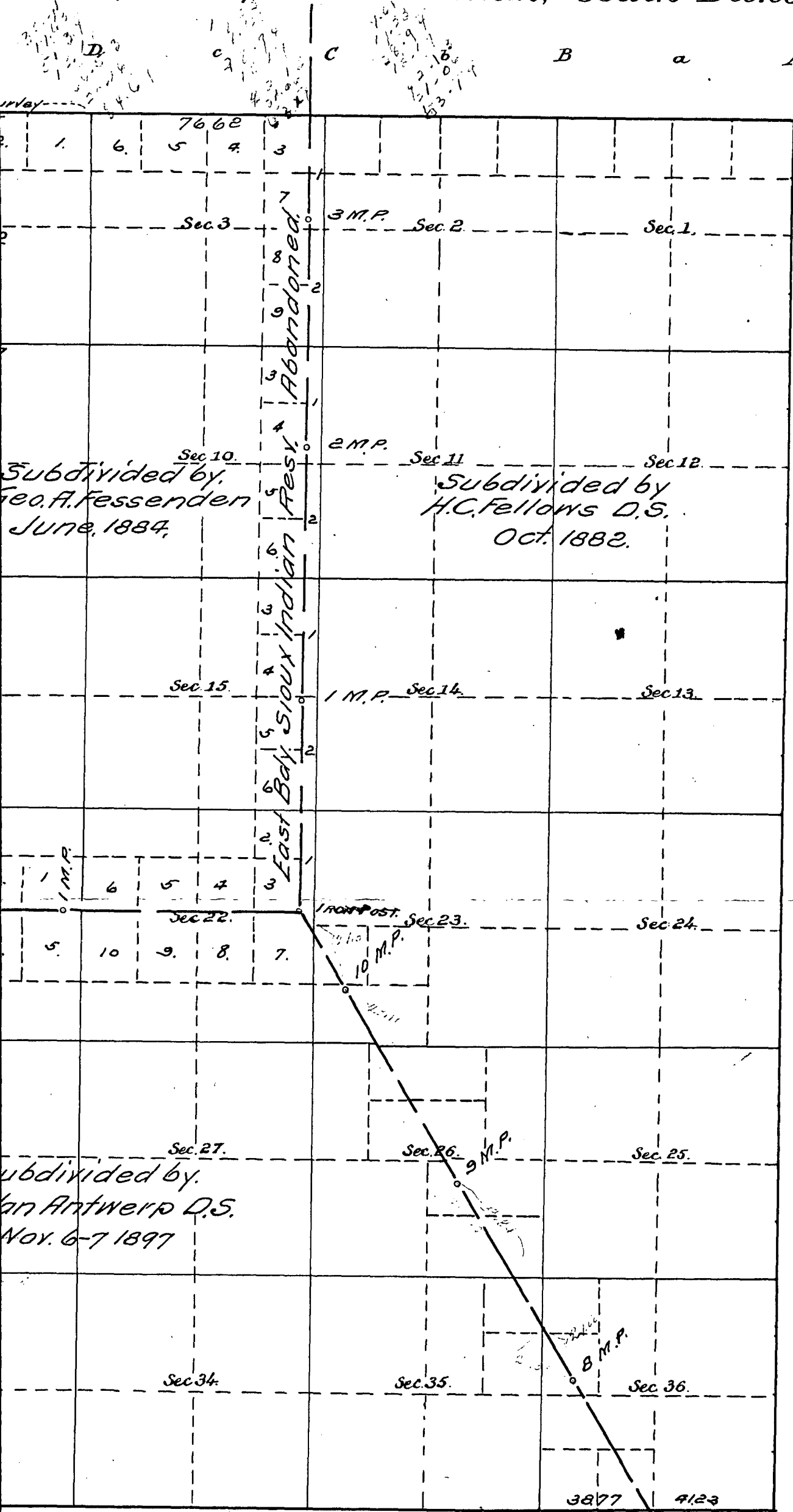
Township No. 114 North, Range No. 81 West of the



Area in acres: Public Land, Water Surface, Total Area

Surveys Designated	By Whom Surveyed	Contract		Amount of Surveys			When
		No.	Date	Ac.	Chs.	Lhs.	
Subdivisions	Ernest J. Lacy	160	Oct. 20, 1904	51	75		May
Meanders	" " "	"	" " "	1	29	57	June
North Tp. line	" " "	"	" " "	28	94		May
" " " Res.	" " "	"	" " "	59	25		"
" " " Cons.	" " "	"	" " "	11	14		"

of the 5th Principal Meridian, South Dakota.



Y
Y
X
X
W
W
V
V
U
U
T
T

TRUE MERIDIAN.

Latitude _____
Longitude _____
Mean mag. decl. _____

April 4, 1908

West.
8559 Acres.

When Surveyed.
May 30. 1905
June 3. "
May 30 "
" 30 "
" 30 "

The above Map of Township No. _____ North, of Range No. _____ Meridian, South Dakota, is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

U.S. Surveyor General's Office
Huron S. Dak. JUNE. 29th 1907.

[Signature]
U.S. Surveyor General.

RECEIPT

413655

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, February 26, 19 93

RECEIVED OF Elaine Hartman Hayes, PO Box 837, Huron, SD 57350

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

Fee for Application for Permit No. <u>5761-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	XXXXXX 37 50 112 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 _____	
Fee for Filing Extension Request _____	
Fee for _____	

(Any Other Work Provided by Law)	
Total	150 00

By

Chief Engineer

John Hatch

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4761

WR#

OWNERS NAME: HARTMAN & PAHL

OWNERS ADDRESS: 917 MCKINLEY
PIERRE, SD 57501

COUNTY LAND LOCATED IN: SULLY PHONE: 264-5533

MISSOURI RIVER

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION W $\frac{1}{2}$ SE $\frac{1}{4}$ 21-T114N-R81W (Mailshack Creek in Lake Oahe)

Depth _____

Legal Description	Acres	Legal Description	Acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 25-T114N-R81W	6.0	E $\frac{1}{2}$ SE $\frac{1}{4}$ 26-T114N-R81W	35.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 25-T114N-R81W	6.0		
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 25-T114N-R81W	6.0		
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 25-T114N-R81W	6.4		

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

3. CROPS TO BE IRRIGATED: CORN, BEANS, MILO, WHEAT

WATER QUALITY:

4. WATER SAMPLE NUMBER: MISSOURI RIVER

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): _____

8. PERCENT SODIUM: _____

6. SODIUM (SAR): _____



Requirements:

The pivot shall be positioned and an end gun shut-off shall be used to prevent the irrigation of Sully Creek.

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

Russell J. Hare

Director, Division of Conservation

MARCH 23, 1993

Date

XXX APPROVED

DISAPPROVED

WAIVER

XXX REQUIREMENTS

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1992

Hartmans Paul
c/o Roger Shoup
917 McKinley
Pierre SD 57501

Dear Mr. Shoup:

In regard to your water permit application received on February 26, 1993, the following information needs to be submitted and clarified in order to process your application.

On Item No. 4 of the application, location of the point of diversion, would this be the same diversion point as Water Permit No. 4299-3? Our records indicate that the diversion point for Water Permit No. 4299-3 is 1254'E and 1122'S from the center of Section 21-T114N-R81W. Please submit an aerial photo and mark the location of the diversion point. 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).

Item No. 2, the amount of water claimed, was not completed. Under State Statutes you are allowed 1 cubic foot of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed 0.86 cfs for the 60 acres to be irrigated. Please let us know if you concur with this.

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

Conversation or File Documentation

NAME OF PERSON OR FILE: Bogus ShoupADDRESS: 912 McKinley, Pierre COUNTY _____DATE: 3-15-93 TELEPHONE _____RE: Pending Application for Hartmans Paul

COMMENTS:

Mr. Shoup stopped in w/ aerial photo. He also
stated he concurred w/ the 0.86 cfs for irrigation
of 60 acres.

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

NAME: Karin Schmale

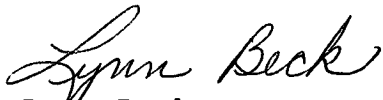
**Report on Application No. 5761-3
Hartman & Pahl Farm
April 7, 1993**

This application is to appropriate 0.86 cubic feet of water per second from the Missouri River located in the W 1/2 SE 1/4 Section 21 to irrigate 60 acres located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 25 and the E 1/2 SE 1/4 Section 26; all in T114N-R81W.

This application will use the same diversion point as Permit No. 4299-3 and the lands under this application are to be added to the irrigation project under Permit No. 4299-3. Permit No. 2785-3, owned by Robert Sargent, also shares the diversion point with Permit No. 4299-3 and this application. These permits will not be affected by this application.

Conclusions:

- 1) Water is available from the Missouri River.
- 2) Existing water rights will not be impaired.



Lynn Beck
Natural Resources Engineer III

Approved by:



Gale N. Selken, P.E.
Natural Resources Engineer IV

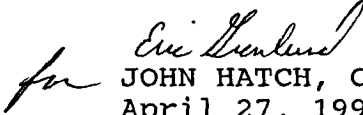
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5761-3, Hartman and Pahl

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. 5761-3, Hartman and Pahl, c/o Roger Shoup, 917 McKinley, Pierre, SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 5761-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

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

See report on application for additional information.


JOHN HATCH, Chief Engineer
April 27, 1993



**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.

April 29, 1993

Roger Shoup
Hartman and Pahl
917 McKinley
Pierre, SD 57501

Dear Mr. Shoup:

Water Permit Application No. 5761-3 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 Onida Watchman printed at Onida, SD (Ph # 258-2724). 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

April 29, 1993

Onida Watchman
Box 205
Onida, SD 57564

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5761-3 to be published twice. Please publish the first notice on May 6, 1993, 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 Hartman and Pahl, 917 McKinley, Pierre, SD 57501 (Ph # 264-5533).

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

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

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on May 6, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5761-3 to Appropriate Water

Notice is given that Hartman & Pahl, c/o Roger Shoup, 917 McKinley, Pierre, SD 57501 has filed an application for a water permit to appropriate 0.86 cubic feet of water per second from the Missouri River located in the W 1/2 SE 1/4 Section 21 to irrigate 60 acres located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 25 and the E 1/2 SE 1/4 Section 26; all in T114N-R81W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5761-3 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 May 24, 1993. 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. 5761-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 2, 1993, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 2, 1993, 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 June 2, 1993, 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 May 24, 1993.

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 May 24, 1993, 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; Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Sully) ssI, Parker Knox

certify that the attached printed Notice was

taken from the OnidaWatchmanprinted and published in OnidaCounty of Sully and State of

South Dakota. The notice was published in the newspaper on the following two dates:

May 6, 1993May 13, 1993Cost of Printing: \$59.04Parker Knox
(Signature)publisher
(Title)May 13, 1993
(Date Signed)Dianna Knox, Notary Public
My Commission expires 10/11/97.

NOTICE OF HEARING on Application No. 5761-3 to Appropriate Water

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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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plication is opposed or the recommendation is contested, the June 2, 1993, 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 June 2, 1993, 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 May 24, 1994.

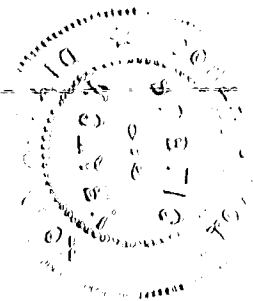
If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. 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 May 24, 1993, 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; Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

-17-18





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 17 1993

Roger Shoup
Hartman & Pahl
917 McKinley
Pierre, SD 57501

Dear Mr. Shoup:

Enclosed is Water Permit No. 5761-3 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,

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

enclosures

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

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



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

Date 9-20-93

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: HARTMAN & PAHL
Rogen Shoup 917 MCKINLEY
(name) (address)
Pierre SD 57501 264-5533
(city) (state) (zip) (phone)

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. 5761-3.

Water Permit No. 5761-3 states that the diversion system is to be constructed by 6-2-1998, and that the water is put to beneficial use by 6-2-2002.
(date) (date)

The diversion system was completed on 6-31-93.
(date)

Applying the water to beneficial use was completed on 7-16-93.
(date)

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

Rogen Shoup
(signature)

Permit No. 5761-3 and 4299-3
Missouri River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day, July 28, 1992 Permit No. 4299-3 and July 26, 1995 Permit No. 5761-3 made a thorough examination of the water use system constructed by Hartman & Pahl Farms of 917 McKinley, Pierre SD 57501 holder of Permit No. 4299-3 and 5761-3, bearing the priority of July 22, 1976 and February 26, 1993 authorizing the diversion of 30 and 0.86 cu. ft. per second of the waters of the Missouri River for irrigation purposes, in Sully County.

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

A. Works used to divert the water:

At the Missouri River 4 - Cornell pumps model no. 6HH, 5,000 gpm each and 3 - Volvo diesel motors model no. TD120 rated at 286 hp each and one General Electric motor rated at 200 hp.

At the regulating storage structure Cornell pump model no. 5HH, 1400 gpm and a Volvo diesel motor model no. TD 61A rated at 230 hp.

At the center of Section 23-T114N-R81W 2 - Cornell pumps model no. 6HH, 2400 gpm each and a Volvo diesel motor model no. TD120W rated at 286 hp and a General Electric motor rated at 200 hp.

At the center of Section 24-T114N-R81W 2 - Cornell pumps model no. 5HH, 1600 gpm each and two General Electric motors rated at 125 hp each.

2540' N of the center of Section 25-T114N-R81W a Berkeley pump model no. 5K404, 2200 gpm and a General Electric motors rated at 100 hp each.

At the center of Section 25-T114N-R81W a Cornell pump model no. 5HH, 1600 gpm and a Volvo diesel motor model no. TD61A rated at 230 hp each.

2640' S and 720' E of the center of Section 25-T114N-R81W a Cornell pump model no. 5HH, 1600 gpm and a Volvo diesel motor model no. TD61A rated at 230 hp each.

A 19 acre-feet regulating storage structure in the S¹/₂ NE¹/₄ Section 22-T114N-R81W.

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

5,000' of 24 to 30 inch steel pipe; 10,700' of 20' x 6' earthen canal; 11,700' of 10" PVC pipe; 23,760' of 8" PVC pipe; 1,500' of 6" PVC pipe; and 40' of 6" steel pipe.

C. Works used to apply water to beneficial use:

Center pivot in Section 22-T114N-R81W: Zimmatic 307 1856' long with 10 towers and an end gun, low pressure system with a 1400 gpm capacity.

Center pivot in Section 23-T114N-R81W: Zimmatic 410 2608' long with 19 towers and an end gun, low pressure system with a 2400 gpm capacity.

Center pivots in Section 24-T114N-R81W: 4 - Reinke 680 1320' long with 8 towers and an end gun, high pressure system with an 800 gpm capacity each.

Center pivots in E $\frac{1}{2}$ Section 25-T114N-R81W: 2 - Reinke 680 1320' long with 8 towers and an end gun, low pressure system with an 800 gpm capacity each.

Center pivots in W $\frac{1}{2}$ Section 25-T114N-R81W: 2 - Zimmatic 307 1290' long with 7 towers and an end gun, low pressure system with an 800 gpm capacity each.

Center pivot in center of Section 25-T114N-R81W: Zimmatic 566' long with 3 towers and an end gun, low pressure system with a 600 gpm capacity. Covered under Permit No. 5761-3.

Center pivot in E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 26-T114N-R81W: Zimmatic 1290' long with 7 towers and an end gun, low pressure system with a 700 gpm capacity. Covered under Permit No. 5761-3.

Center pivot in E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 26-T114N-R81W: Zimmatic 1290' long with 7 towers and a Nelson 100 end gun, low pressure system with a 700 gpm capacity.

Center pivot in the E $\frac{1}{2}$ Section 36-T114N-R81W: 2 - Reinke 1320' long with 8 towers and an end gun, low pressure system with an 800 gpm capacity each.

The system is in the following condition **good**. The point of diversion is located **at the Missouri River 1700' E and 1735' S of the center of Section 21-T114N-R81W**. The works are capable of diverting and conveying to the place of use **28.89 from the Missouri River and 27.78 through the center pivots** cu. ft. per second of water and/or storage of **19** acre feet of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows: **All in T114N-T81W**

Section 22

NW $\frac{1}{4}$ NW $\frac{1}{4}$	36 ac	NW $\frac{1}{4}$ NE $\frac{1}{4}$	29 ac
NE $\frac{1}{4}$ NW $\frac{1}{4}$	40 ac	SW $\frac{1}{4}$ NE $\frac{1}{4}$	3 ac
SW $\frac{1}{4}$ NW $\frac{1}{4}$	6 ac		
SE $\frac{1}{4}$ NW $\frac{1}{4}$	16 ac		

Section 23

NW $\frac{1}{4}$ NW $\frac{1}{4}$	13 ac	NW $\frac{1}{4}$ NE $\frac{1}{4}$	37 ac	NW $\frac{1}{4}$ SW $\frac{1}{4}$	36 ac	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40 ac
NE $\frac{1}{4}$ NW $\frac{1}{4}$	37 ac	NE $\frac{1}{4}$ NE $\frac{1}{4}$	12 ac	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40 ac	NE $\frac{1}{4}$ SE $\frac{1}{4}$	35 ac
SW $\frac{1}{4}$ NW $\frac{1}{4}$	37 ac	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40 ac	SW $\frac{1}{4}$ SW $\frac{1}{4}$	12 ac	SW $\frac{1}{4}$ SE $\frac{1}{4}$	36 ac
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40 ac	SE $\frac{1}{4}$ NE $\frac{1}{4}$	36 ac	SE $\frac{1}{4}$ SW $\frac{1}{4}$	36 ac	SE $\frac{1}{4}$ SE $\frac{1}{4}$	11 ac

Section 24

NW $\frac{1}{4}$ NW $\frac{1}{4}$	29 ac	NW $\frac{1}{4}$ NE $\frac{1}{4}$	30 ac	NW $\frac{1}{4}$ SW $\frac{1}{4}$	30 ac	NW $\frac{1}{4}$ SE $\frac{1}{4}$	31 ac
NE $\frac{1}{4}$ NW $\frac{1}{4}$	28 ac	NE $\frac{1}{4}$ NE $\frac{1}{4}$	32 ac	NE $\frac{1}{4}$ SW $\frac{1}{4}$	28 ac	NE $\frac{1}{4}$ SE $\frac{1}{4}$	32 ac
SW $\frac{1}{4}$ NW $\frac{1}{4}$	30 ac	SW $\frac{1}{4}$ NE $\frac{1}{4}$	28 ac	SW $\frac{1}{4}$ SW $\frac{1}{4}$	32 ac	SW $\frac{1}{4}$ SE $\frac{1}{4}$	29 ac
SE $\frac{1}{4}$ NW $\frac{1}{4}$	30 ac	SE $\frac{1}{4}$ NE $\frac{1}{4}$	29 ac	SE $\frac{1}{4}$ SW $\frac{1}{4}$	30 ac	SE $\frac{1}{4}$ SE $\frac{1}{4}$	30 ac

Section 25

NW $\frac{1}{4}$ NW $\frac{1}{4}$	32 ac	NW $\frac{1}{4}$ NE $\frac{1}{4}$	32 ac	NW $\frac{1}{4}$ SW $\frac{1}{4}$	32 ac	NW $\frac{1}{4}$ SE $\frac{1}{4}$	38 ac
NE $\frac{1}{4}$ NW $\frac{1}{4}$	32 ac	NE $\frac{1}{4}$ NE $\frac{1}{4}$	32 ac	NE $\frac{1}{4}$ SW $\frac{1}{4}$	38 ac	NE $\frac{1}{4}$ SE $\frac{1}{4}$	32 ac
SW $\frac{1}{4}$ NW $\frac{1}{4}$	32 ac	SW $\frac{1}{4}$ NE $\frac{1}{4}$	38 ac	SW $\frac{1}{4}$ SW $\frac{1}{4}$	32 ac	SW $\frac{1}{4}$ SE $\frac{1}{4}$	32 ac
SE $\frac{1}{4}$ NW $\frac{1}{4}$	38 ac	SE $\frac{1}{4}$ NE $\frac{1}{4}$	32 ac	SE $\frac{1}{4}$ SW $\frac{1}{4}$	32 ac	SE $\frac{1}{4}$ SE $\frac{1}{4}$	32 ac

Section 26

NE $\frac{1}{4}$ NE $\frac{1}{4}$	32 ac	NE $\frac{1}{4}$ SE $\frac{1}{4}$	22 ac
SE $\frac{1}{4}$ NE $\frac{1}{4}$	32 ac	SE $\frac{1}{4}$ SE $\frac{1}{4}$	13 ac

Section 36

NW $\frac{1}{4}$ NE $\frac{1}{4}$	32 ac	NW $\frac{1}{4}$ SE $\frac{1}{4}$	32 ac
NE $\frac{1}{4}$ NE $\frac{1}{4}$	32 ac	NE $\frac{1}{4}$ SE $\frac{1}{4}$	32 ac
SW $\frac{1}{4}$ NE $\frac{1}{4}$	32 ac	SW $\frac{1}{4}$ SE $\frac{1}{4}$	32 ac
SE $\frac{1}{4}$ NE $\frac{1}{4}$	32 ac	SE $\frac{1}{4}$ SE $\frac{1}{4}$	32 ac

comprising a total of 1997 acres of land and the license should be issued for 28.89 from the Missouri River and 27.78 through the center pivots cfs and/or 19 acre-feet of storage.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

COMMENTS: The diversion from the Missouri River is limited by the size of pipe used to deliver the water up from the river.

Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program

10-16-97
Date

REPORT ON INSPECTION OF PERMIT NO. 5761-3

DATE OF INSPECTION: 7-26-95

Other permit(s) associated with the project: 4299-3 inspected 7-28-92

Inspections for 4299-3 and 5761-3 are combined in this report. 5761-3 is for additional land and water in conjunction with 4299-3.

NAME & ADDRESS OF INSPECTION CONTACT: Roger Shoup, 917 McKinley, Pierre SD 57501

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Manager of Hartman & Pahl Farms

NAME & ADDRESS OF PERMIT HOLDER: Hartman & Pahl Farms, c/o Roger Shoup, 917 McKinley, Pierre SD 57501.

DIVERSION POINT LEGAL LOCATION: At the Missouri River: 1700' E and 1735' S of the center of Section 21-T114N-R81W (SE $\frac{1}{4}$ SE $\frac{1}{4}$)

Pump:

- 1) Make 4 - Cornell
- 2) Model 6HH
- 3) Size 6 inches
- 4) Capacity 5000 each GPM

Motor:

- 1) Make 3 - Volvo diesel and a General Electric
- 2) Model No. #
- 3) Horsepower rating Volvos 286 hp each and General Electric 200 hp

DIVERSION POINT LEGAL LOCATION: At the regulating storage structure 1960' W and 1280' N of the E corner of Section 22-T114N-R81W (SW $\frac{1}{4}$ NE $\frac{1}{4}$). To irrigate $\frac{1}{2}$ circle in Section 22.

Pump:

- 1) Make Cornell
- 2) Model 5HH
- 3) Size 5 inches
- 4) Capacity 1400 GPM

Motor:

- 1) Make Volvo diesel
- 2) Model No. TD61A
- 3) Horsepower rating 230 hp

DIVERSION POINT LEGAL LOCATION: At the center of Section 23-T114N-R81W to irrigate lands in Section 23.

Pump:

- 1) Make 2 - Cornell
- 2) Model 6HH
- 3) Size 6 inch
- 4) Capacity 2400 each GPM

Motor:

- 1) Make Volvo diesel and General Electric
- 2) Model No. TD120W - Volvo
- 3) Horsepower rating 286 and 200 hp

DIVERSION POINT LEGAL LOCATION: At the center of Section 24-T114N-R81W to irrigate lands in Section 24.

Pump:

- 1) Make 2 - Cornell
- 2) Model 5HH
- 3) Size 5 inch
- 4) Capacity 1600 each GPM

Motor:

- 1) Make 2 - General Electric
- 2) Model No. #
- 3) Horsepower rating 125 each hp

DIVERSION POINT LEGAL LOCATION: 2520' N of the center of Section 25-T114N-R81W to irrigate lands in N $\frac{1}{2}$ Section 25, E $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 26.

Pump:

- 1) Make Berkeley
- 2) Model 5K404
- 3) Size #
- 4) Capacity 2200 GPM

Motor:

- 1) Make General Electric
- 2) Model No. #
- 3) Horsepower rating 100 hp

DIVERSION POINT LEGAL LOCATION: Center of Section 25-T114N-R81W to irrigate lands in the S $\frac{1}{2}$ Section 25.

Pump:

- 1) Make Cornell
- 2) Model 5HH
- 3) Size 5 inch
- 4) Capacity 1600 GPM

Motor:

- 1) Make Volvo diesel
- 2) Model No. TD61A
- 3) Horsepower rating 230 hp

DIVERSION POINT LEGAL LOCATION: 2640' S and 720' E of the center of Section 25-T114N-R81W to irrigate lands in the center and S $\frac{1}{2}$ of Section 25.

Pump:

- 1) Make Cornell
- 2) Model 5HH
- 3) Size 5 inch
- 4) Capacity 1600 GPM

Motor:

- 1) Make Volvo diesel
- 2) Model No. TD61A
- 3) Horsepower rating 230 hp

DISTRIBUTION LINES OR CANALS:

- | | | |
|----------------------|------------------------|------------------------------|
| 1) Type <u>steel</u> | 2) Size <u>24 - 30</u> | 3) Length <u>5,000</u> feet |
| 1) Type <u>canal</u> | 2) Size <u>20'x6'</u> | 3) Length <u>10,700</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>10</u> | 3) Length <u>11,700</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>8</u> | 3) Length <u>23,760</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>6</u> | 3) Length <u>1,500</u> feet |
| 1) Type <u>steel</u> | 2) Size <u>6</u> | 3) Length <u>40</u> feet |

SYSTEM TYPE:

Center Pivot: Section 22-T114N-R81W:

- 1) Make Zimmatic 307
- 2) Overall length 1856
- 3) Number of towers 10
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 1400 GPM

Center Pivot: Section 23-T114N-R81W:

- 1) Make Zimmatic 410
- 2) Overall length 2608
- 3) Number of towers 19
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 2400 GPM

Center Pivot: Section 24-T114N-R81W:

- 1) Make 4 - Reinke 680
- 2) Overall length 1320 each
- 3) Number of towers 8 each
- 4) End gun yes
- 5) High or low pressure high
- 6) Capacity 800 each GPM

Center Pivot: E $\frac{1}{2}$ Section 25-T114N-R81W:

- 1) Make 2 - Reinke 680
- 2) Overall length 1320
- 3) Number of towers 8
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 800 each GPM

Center Pivot: W $\frac{1}{2}$ Section 25-T114N-R81W:

- 1) Make 2 - Zimmatic 307
- 2) Overall length 1290

- 3) Number of towers 7
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 800 each GPM

Center Pivot: Sm. c.p. in center of Sec. 25-T114N-R81W under Water Permit No. 5761-3:

- 1) Make Zimmatic
- 2) Overall length 566
- 3) Number of towers 3
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 600 GPM

Center Pivot: E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 26-T114N-R81W covered under Water Permit No. 5761-3:

- 1) Make Zimmatic
- 2) Overall length 1290
- 3) Number of towers 7
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 700 GPM

Center Pivot: E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 26-T114N-R81W:

- 1) Make Zimmatic
- 2) Overall length 1290
- 3) Number of towers 7
- 4) End gun Nelson 100
- 5) High or low pressure low
- 6) Capacity 700 GPM

Center Pivot: E $\frac{1}{2}$ Section 36-T114N-R81W:

- 1) Make 2 - Reinke
- 2) Overall length 1320 each
- 3) Number of towers 8 each
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 800 each GPM

DAM INFORMATION: S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22-T114N-R81W:

- 1) Height to crest 25 feet
- 2) Height to primary spillway 17 feet
- 3) Height to secondary spillway # feet
- 4) Crest width 15 feet
- 5) Crest length 640 feet
- 6) Spillway length 300 feet
- 7) Spillway width # feet
- 8) Approx. storage 19 ac-ft
- 9) Approx. Storage to crest # ac-ft
- 10) Date constructed: 1980

CHEMIGATION EQUIPMENT: In Section 22 and 23-T114N-R81W:

- 1) Does chemigate yes
- 2) Main line check valve yes
- 3) Inspection port/air relief yes
- 4) Low pressure drain no
- 5) Discharge is 20' from source no
- 6) Interlock type electric
- 7) Injection pump type piston injectometer
- 8) Injection check valve yes
- 9) Injection line check valve or positive displacement pump yes
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes
- 11) Comments ; The canal provides a barrier between the water source and the point of chemigation therefore, a low pressure drain is not needed.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: **Roger Shoup, Manager Hartman & Pahl Farms** File No. **5761-3 and 4299-3**

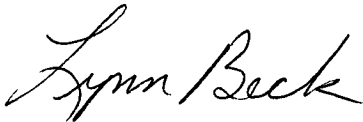
Address: **917 McKinley, Pierre SD 57501** County: **Sully**

Date: **October 15, 1997** Telephone: **(605) 264-5533**

RE: **Diversion rate from the Missouri River.**

Comments:

I called Mr. Shoup to ask at what rate do they pump from the Missouri River. The pump capacity is 20,000 gpm. Mr. Shoup said on a normal day they would pump 8,700 gpm however their capacity, limited by pipe size, is 13,000 gpm. 13,000 gpm is 28.89 cfs.

A handwritten signature in cursive script, reading "Lynn Beck".

Lynn Beck
Natural Resources Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5761-3

(1) Hartman & Pahl, % Roger Shoup, 27994 188 St, Pierre SD 57501 made Application No. 5761-3, February 26, 1993 for a water permit to divert 0.86 cubic feet of water per second from the Missouri River, Sully County, South Dakota for irrigation purposes. Permit No. 5761-3, with a priority date of February 26, 1993 was approved June 2, 1993 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before June 2, 1998 and for the application to beneficial use of said water on or before June 2, 2002.

The permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on September 22, 1993. The "*Notice*" stated the diversion system was completed on June 31, 1993 and the water placed to beneficial use on July 16, 1993.

The water use system authorized under Water Permit Nos. 4299-3 and 5761-3 are operated as one system. A priority date of February 26, 1993, established by Water Permit No. 5761-3, is retained for irrigation of the 24 acre circle in the center of Section 25 and the 35 acres located in the E 1/2 SE 1/4 Section 26; all in T114N-R81W. The remaining acreage retains a July 22, 1976 priority date established by Water Permit No. 4299-3. The applicable portions of Water Permit No. 4299-3 have been incorporated into this Water License No. 5761-3.

(2) It is certified that the water right 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 28.89 cubic feet of water per second from the Missouri River for irrigation and to fill a storage dam (19 acre-feet storage capacity) utilized in the irrigation system. A maximum diversion rate of 27.78 cubic feet of water per second is authorized for irrigation of the acreage listed below. The location of the diversion points are: Missouri River - 1700 feet east and 1735 feet south from center of Section 21-T114N-R81W (SE 1/4 SE 1/4); storage dam - 1960 feet west and 1280 feet north of the east 1/4 corner of Section 22-T114N-R81W (SW 1/4 NE 1/4).

(3) The water right holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: **all in T114N-R81W**

Section 22

NW 1/4 NW 1/4	36 ac	NW 1/4 NE 1/4	29 ac
NE 1/4 NW 1/4	40 ac	SW 1/4 NE 1/4	3 ac
SW 1/4 NW 1/4	6 ac		
SE 1/4 NW 1/4	16 ac		

Section 23

NW 1/4 NW 1/4	13 ac	NW 1/4 NE 1/4	37 ac	NW 1/4 SW 1/4	36 ac	NW 1/4 SE 1/4	40 ac
NE 1/4 NW 1/4	37 ac	NE 1/4 NE 1/4	12 ac	NE 1/4 SW 1/4	40 ac	NE 1/4 SE 1/4	35 ac
SW 1/4 NW 1/4	37 ac	SW 1/4 NE 1/4	40 ac	SW 1/4 SW 1/4	12 ac	SW 1/4 SE 1/4	36 ac
SE 1/4 NW 1/4	40 ac	SE 1/4 NE 1/4	36 ac	SE 1/4 SW 1/4	36 ac	SE 1/4 SE 1/4	11 ac

(continued)

Section 24

NW 1/4 NW 1/4	29 ac	NW 1/4 NE 1/4	30 ac	NW 1/4 SW 1/4	30 ac	NW 1/4 SE 1/4	31 ac
NE 1/4 NW 1/4	28 ac	NE 1/4 NE 1/4	32 ac	NE 1/4 SW 1/4	28 ac	NE 1/4 SE 1/4	32 ac
SW 1/4 NW 1/4	30 ac	SW 1/4 NE 1/4	28 ac	SW 1/4 SW 1/4	32 ac	SW 1/4 SE 1/4	29 ac
SE 1/4 NW 1/4	30 ac	SE 1/4 NE 1/4	29 ac	SE 1/4 SW 1/4	30 ac	SE 1/4 SE 1/4	30 ac

Section 25

NW 1/4 NW 1/4	32 ac	NW 1/4 NE 1/4	32 ac	NW 1/4 SW 1/4	32 ac	NW 1/4 SE 1/4	38 ac
NE 1/4 NW 1/4	32 ac	NE 1/4 NE 1/4	32 ac	NE 1/4 SW 1/4	38 ac	NE 1/4 SE 1/4	32 ac
SW 1/4 NW 1/4	32 ac	SW 1/4 NE 1/4	38 ac	SW 1/4 SW 1/4	32 ac	SW 1/4 SE 1/4	32 ac
SE 1/4 NW 1/4	38 ac	SE 1/4 NE 1/4	32 ac	SE 1/4 SW 1/4	32 ac	SE 1/4 SE 1/4	32 ac

Section 26

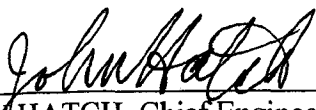
NE 1/4 NE 1/4	32 ac	NE 1/4 SE 1/4	22 ac
SE 1/4 NE 1/4	32 ac	SE 1/4 SE 1/4	13 ac

Section 36

NW 1/4 NE 1/4	32 ac	NW 1/4 SE 1/4	32 ac
NE 1/4 NE 1/4	32 ac	NE 1/4 SE 1/4	32 ac
SW 1/4 NE 1/4	32 ac	SW 1/4 SE 1/4	32 ac
SE 1/4 NE 1/4	32 ac	SE 1/4 SE 1/4	32 ac

Total – 1,997 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Hartman & Pahl, % Roger Shoup, 27994 188 St, Pierre SD 57501 the holders and/or owners of Incorporated Water Right No. 5761-3 are issued a license to appropriate water, the right to use 28.89 cubic feet of water per second from the Missouri River for irrigation and to fill a storage dam (19 acre-feet storage capacity) from locations specified in (2) of this license. The water right holders have the right to divert 27.78 cubic feet of water per second for irrigation of the lands specified in (3) of this license with priority dates of July 22, 1976 and February 26, 1993. This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 5761-3 and subject to South Dakota State Law.



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

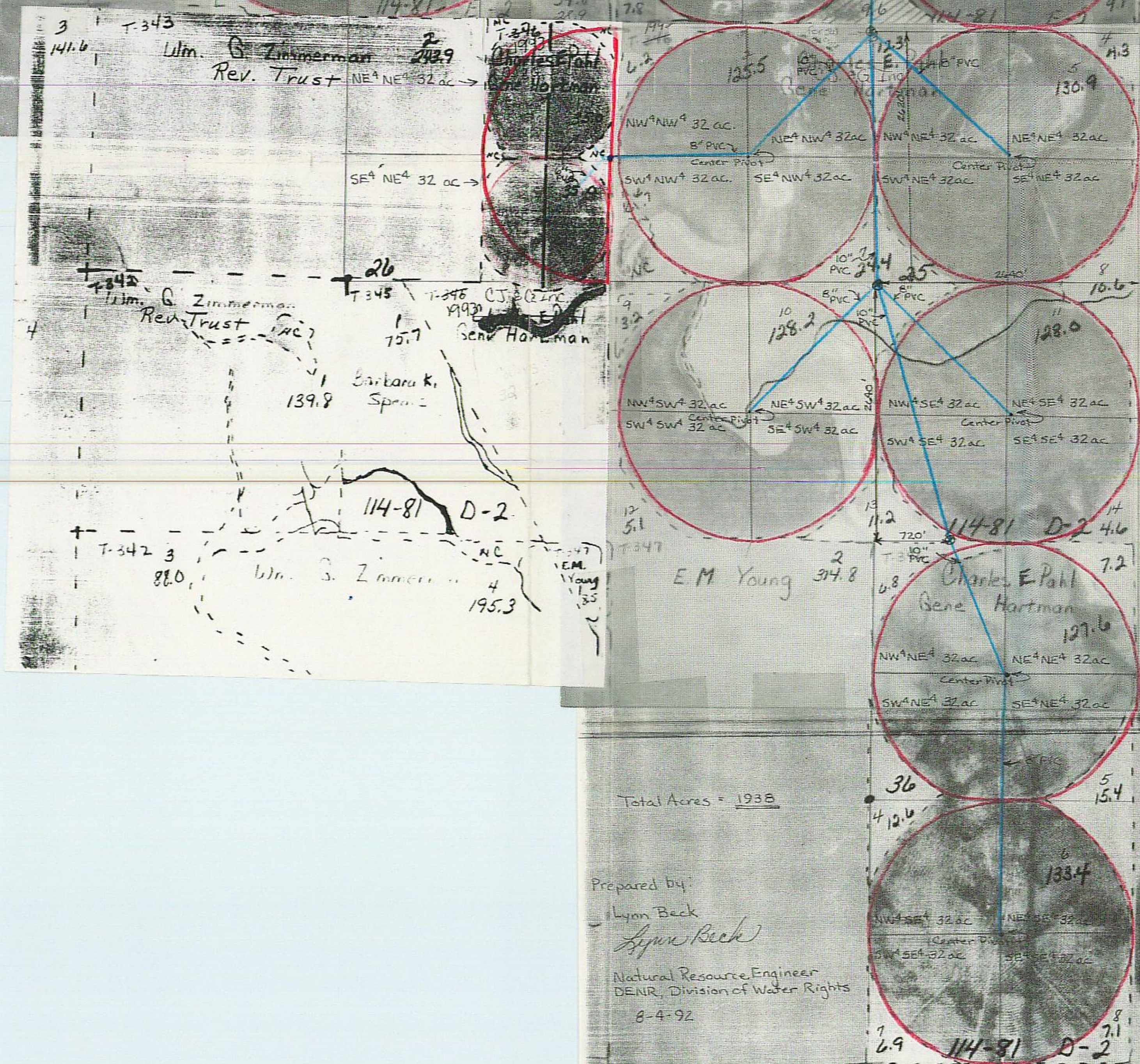
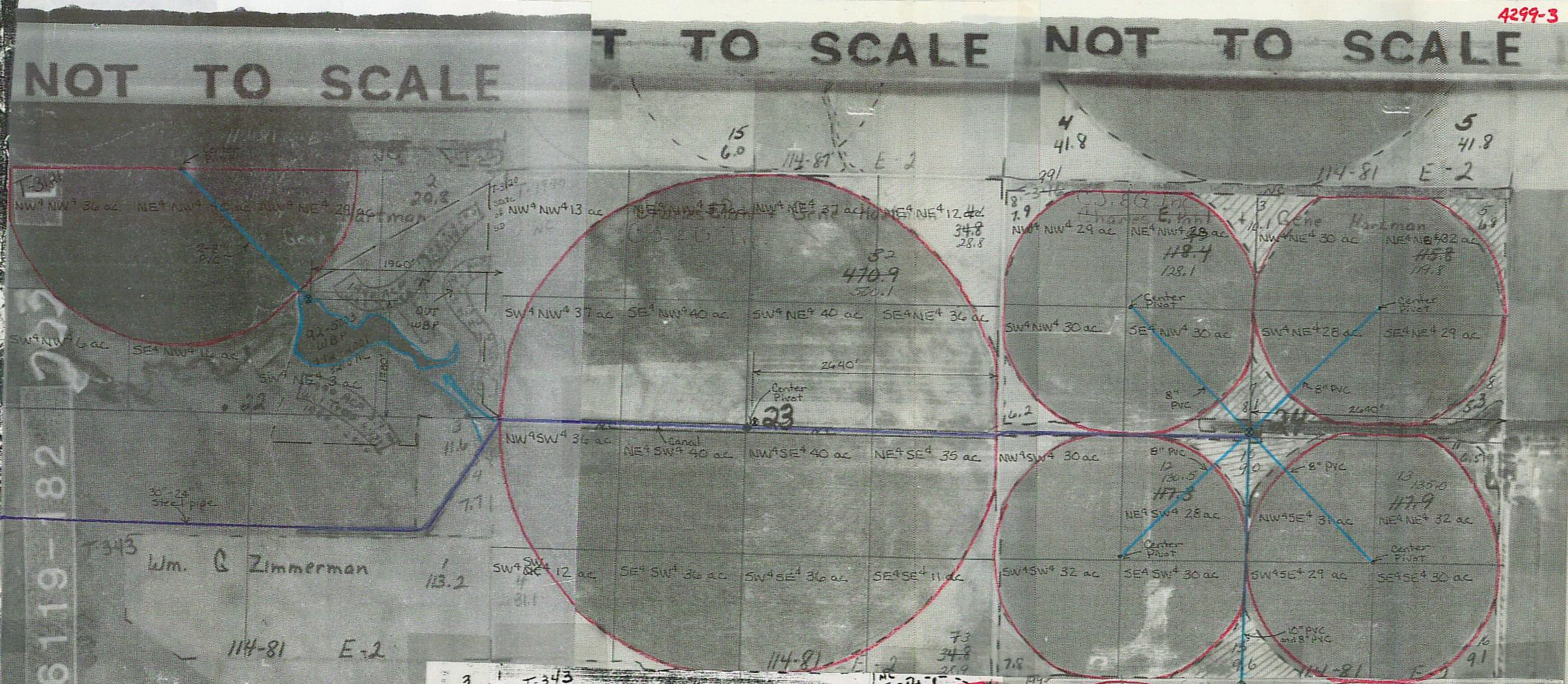
AUG 5 1999

 date



NOT TO SCALE

T TO SCALE NOT TO SCALE



Total Acres = 1938

Prepared by:

Lyon Beck

Lynn Beck

Natural Resource Engineer
DENR, Division of Water Rights

DENR, Division of Water Rights

8-4-92

$$115R + 116R$$

~~4999-3~~
5761-3

5761-3

SEE E-2

131.5

114-81 E-1

T. 462

William G. Zimmerman

Rev Trust

9-27-98

21

1735'

1700'

Pump
Site
Lic. No. 4299-3

114-81 E-1

114-81 - E-

109-L



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 9, 1997

5761-3

Hartman and Pahl
c/o Roger Shoup
917 McKinley
Pierre SD 57501

Dear Mr. Shoup:

The investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5761-3 and 4299-3 was completed a few years ago. A review of our files indicates that the final water right document, the Water License, has not been issued.

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

Please send the fee to: **Department of Environment & Natural Resources**
 Water Rights Program
 523 E. Capitol
 Pierre SD 57501-3181

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

2 415566

Pierre, December 18, 19 97

RECEIVED OF Elaine Hartman Hayes, P.O. Box 837, Huron, SD 57350
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. 5761-3 (partial payment-see receipt # 415567)

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

12 50

12 50

By _____
Chief Engineer

John Hatch (Signature)

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415567

Pierre, December 18, 19 97

RECEIVED OF Gene Hartman, B.O Box 388 Garden City, SD 57236
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. 5761-3 (partial payment-see receipt # 415566)

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

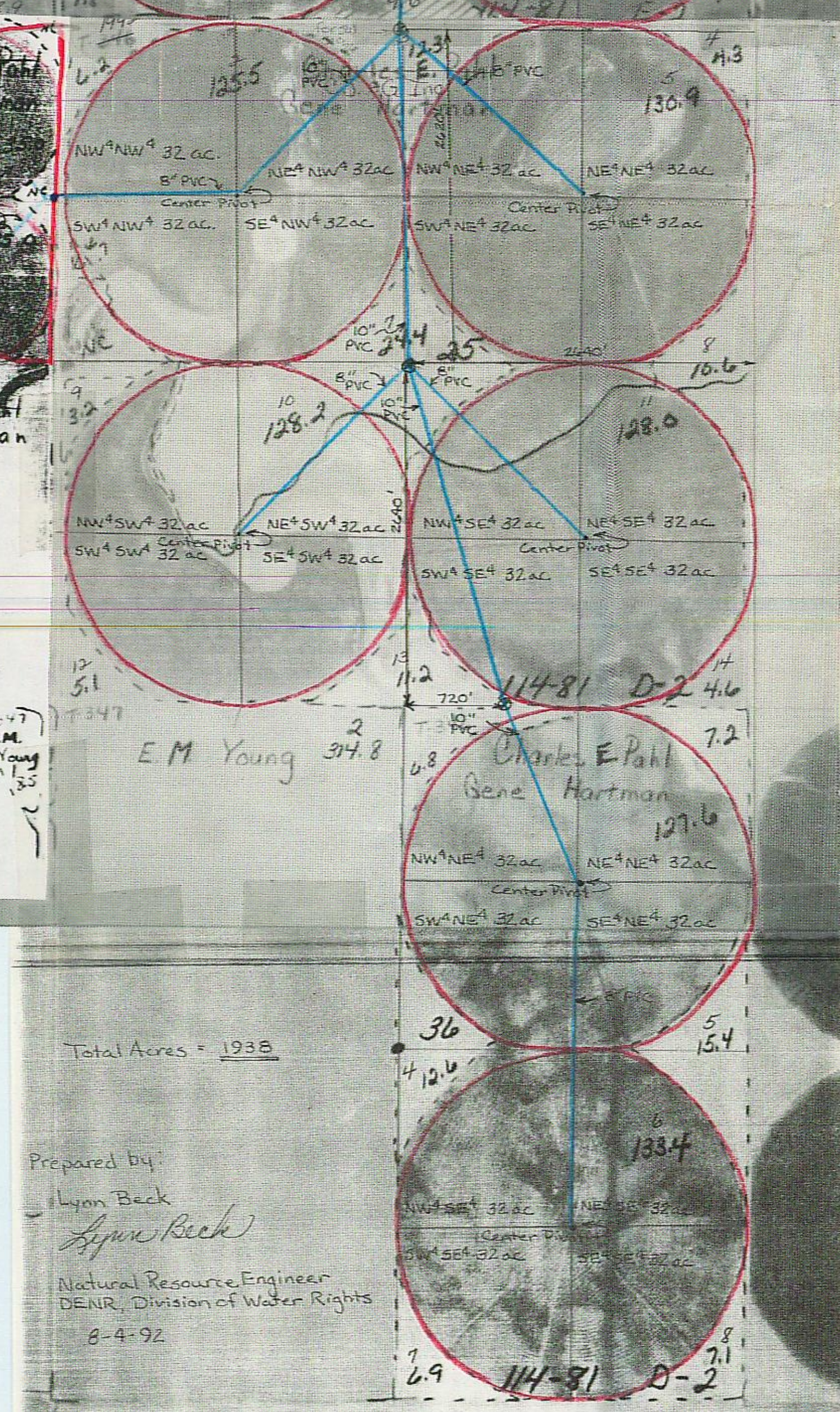
(Any Other Work Provided by Law)

Total

37 50

By _____
Chief Engineer

John Hatch 



8-4-92



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

AUG 5 1999

5761-3

Hartman & Pahl
%Roger Shoup
917 McKinley
Pierre, SD 57501

Dear Mr. Shoup:

Enclosed is Water License No. 5761-3 and Receipt Nos. 415566 and 415567 in the amounts of \$12.50 and \$37.50 (\$50.00 total) which was assessed for an investigation and issuance of the license. Water License No. 5761-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of Water Permit No. 4299-3 have been incorporated into this Water License No. 5761-3.

McMath, Genny

Subject: FW: Atten: G. McMath - Irrigation Questionnaire

5761-3, 6163B-3 & 6163C-3, 6326A-3 & 6914-3

-----Original Message-----

From: Jason McHenry [mailto:jasonmchenry@venturecomm.net]
Sent: Tuesday, August 09, 2016 1:11 PM
To: McMath, Genny
Cc: marshallkniffen@venturecomm.net
Subject: RE: Atten: G. McMath - Irrigation Questionnaire

That is the correct address for Marshall Kniffen and for Hartman and Pahl Farms.

Jason McHenry
Hartman and Pahl
(605) 222-1171

-----Original Message-----

From: McMath, Genny [mailto:Genny.McMath@state.sd.us]
Sent: Tuesday, August 09, 2016 12:37 PM
To: 'Jason McHenry '
Cc: marshallkniffen@venturecomm.net
Subject: RE: Atten: G. McMath - Irrigation Questionnaire

Thank you - I will update our records. I have a mailing address of "18755 280th Ave., Pierre" ...is that still correct?

-----Original Message-----

From: Jason McHenry [mailto:jasonmchenry@venturecomm.net]
Sent: Tuesday, August 09, 2016 12:13 PM
To: McMath, Genny
Cc: marshallkniffen@venturecomm.net
Subject: RE: Atten: G. McMath - Irrigation Questionnaire

Genny, here is the contact information for the new manager at Hartman and Pahl Farm.

Marshall Kniffen marshallkniffen@venturecomm.net (605)464-0374

Jason McHenry
Hartman and Pahl
(605) 222-1171

5761-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

OCT 24 2016

Marshall Kniffen, Mgr
Hartman & Pahl Farms
18755 280th Ave
Pierre SD 57501

RE: Permit/Right Nos. 5761-3, 6163B-3, 6163C-3, 6326A-3 & 6914-3

Dear Mr. Kniffen:

Enclosed is Water License No. 6914-3 for Hartman & Pahl Farms. This is the final water right document completing the process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

Upon licensing, the applicable portions of Water Right No. 5761-3 and Water Permit Nos. 6163B-3, 6163C-3 and 6326A-3 were incorporated into Water License No. 6914-3.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures