

WATER PERMIT NO. 5798-3

Phone: 266-2745

Name of Applicant: LeRoy Brooker

Post Office Address: RR 1, Box 11, Tulare SD 57476

Amount of Water Claimed: 2.2⁰ Total Acres: 160.00

Source of Water Supply: groundwater

Water to be used for: irrigation County: Spink

About 4 miles south of Tulare

PRIORITY Date Received: 1-21-94 Fee: \$250 Remarks: Same lands

as irrigated by cancelled Permit No. 5798-3

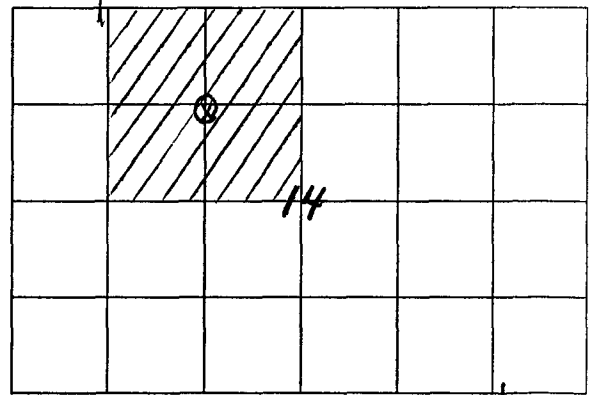
Corrected Application Received: _____ Period of Annual Use: Apr 1- Sept 30

WATER QUALITY APPROVAL RECEIVED: 1977 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: center NW 1/4 Sec 14-T114N-R64W

Land to be Irrigated: NW 1/4 Sec 14-114-64



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

Depth of Well: 85' REMARKS: _____

Type of Map: aerial PREPARED BY: M Susan Hellman, ASCS Reviewed and the Number

Assigned on: 1-25-94 By: Karen Schlaak

(See instructions)

No. <u>5798-3</u>	Hydrologic Unit <u>10160006</u>
Basin <u>James River</u>	
Newspaper <u>Redfield Press, Box 440</u>	

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

- Type of Application: ☐ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant Le Roy Brooker Phone No. 266-2745
- Post Office Address Tulsa RR Box 11 State SD 57476
- (Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 2.2 Total acres irrigated 160
3. Source of Water supply well
4. Location of point of diversion agard Center NW 1/4 14-114-64
- County Spink
5. Counties where water will be used Spink
6. Annual period during which water is to be used April - Sept. 30
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW 1/4 - 14 - 114 - 64	160

Land Description	No. Acres Irr.

Attach sheet if more space is needed

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

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

STATE OF SOUTH DAKOTA)
County of Spink)^{ss}

I, LEROY BROOKER 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 LeRoy Brooker

Subscribed and sworn to before me this 13th day of January 1994

Susan M Birge
Notary Public

My commission expires 6-20-96

**SOUTH DAKOTA
WATER PERMIT NO. 5798-3**

Date of first receipt of application January 21, 1994.

Date Soil/Water Compatibility Permit received April 25, 1977.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5798-3 to LeRoy Brooker, RR 1, Box 11, Tulare SD 57476 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. 5798-3 appropriates 2.2 cubic feet of water per second from one well (Tulare Western Spink Aquifer) 85 feet deep located in the approximate center of the NW 1/4 Section 14 to irrigate 160 acres located in the NW 1/4 Section 14; all in T114N-R64W.
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 - September 30.
3. The date from which applicant may claim right is January 21, 1994.
4. The date of approval of Permit No. 5798-3 is April 4, 1994.
5. One-fifth of the construction is to be completed on or before October 4, 1996.
6. All construction is to be completed on or before April 4, 1999.
7. Water is to be put to beneficial use on or before April 4, 2003.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 5798-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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

APR 20 1994
date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 26" Depth 85 ft.
- b) Casing Type B.V.C. Diameter 16 in Thickness .375
- c) Screen Type B.V.C. Diameter 16 in Thickness .375
- d) Gravel Pack Thickness 5 in Length of Gravel Pack 45 ft.
- e) Depth to Top of Water Bearing Material 39 ft.
- f) Depth to Water (ground surface to water level) 25 ft.
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 140 rods

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

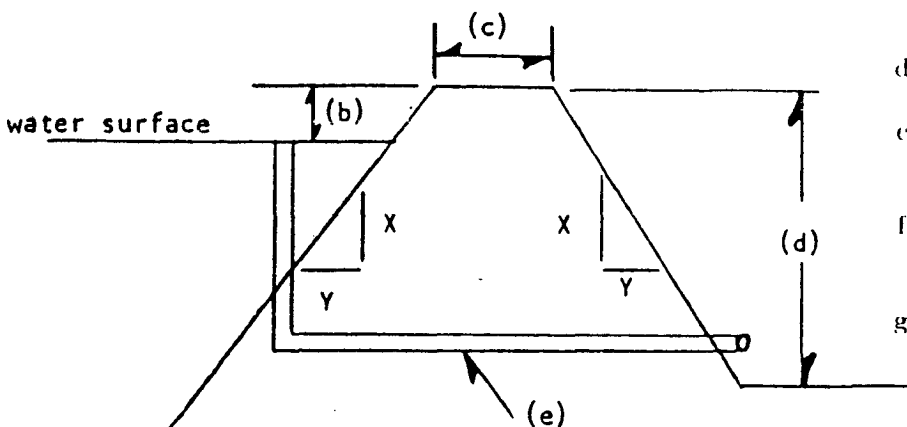
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

Tulare, SD

1-20-94

Dear Sir:

I have a letter from Dale L. Anderson saying the Soil & Water Compatibility Permit # 115-SP is still in effect.

The SCS is in the process of doing a soil survey in Spring County but have not worked in this part of the county yet.

Sincerely

Leroy Bronken
Box 11
Tulare, S.D.

57476



(605) 266 2745

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 Max Neijels
ADDRESS Fulda, S. Dak. - 57476
COUNTY Spink

LEGAL DESCRIPTION

1. WELL LOCATION NW 14-14-114-64
2. LOCATION OF AREA TO BE IRRIGATED NW 14-14-114-64

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT ☒ GUN _____
4. CROPS TO BE IRRIGATED Corn & alfalfa

WATER QUALITY

5. SAMPLE NUMBER 77-669
6. SALINITY (EC X 10⁶) 1078 (moderately high)
7. SODIUM (SAR) 1.20 (low)
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 _____ 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.

SUBSCRIBED AND SWORN BEFORE ME THIS
25 DAY OF April 19 77.
Verdell Reed
Notary Public
(TITLE OR SEAL)

Max Neijels
APPLICANT'S SIGNATURE
Albert L. Neff
APPROVED

(SOILS INFORMATION ON REVERSE SIDE)

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

Submitted by: Lar Neitvel Date Rec'd: April 27, 1977
 Address: Tulare, SD 57476 Sample No. 77-669
 Identification Well
NW 1/4, Sec. 14, T 114N, R 64E

WATER ANALYSIS

Calcium (Ca)	128	ppm*	6.40	me/l**
Magnesium (Mg)	19	ppm	1.57	me/l
Sodium (Na)	54	ppm	2.29	me/l
Potassium (K)	10	ppm	0.26	me/l
Sulfate (SO ₄)	158	ppm	3.28	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	10	ppm	0.27	me/l
Bicarbonate (HCO ₃)	478	ppm	7.24	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	392	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1078	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.20			
Sodium	22.50	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.40			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 101.62 me/l
 Total anions 11.39 me/l

By: Shirley Litten

Service Performed

Amount Due

Irrigation analysis

\$15.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-669

Amount Enclosed \$.....

Signed.....

1990 2086
NOT TO SCALE

156.3

84 slides

T4377

1



PROPOSED
IRRIGATION
WELL

HEL FIELD

NW $\frac{1}{4}$ - 14 - 114 - 64

14

T1540

21

17.6

90.5

T4372

1

44.3

2

38.7

T1530

2

HEL FIELD

HEL FIELD

HEL FIELD

HEL FIELD

HEL FIELD

HEL FIELD

159.5

T1533

8

25.1

5498-3

OK ✓
M. Lynn Helms
Spend Co.
1/19/94
P.A. office

RECEIPT

414006

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 21, 19 94

RECEIVED OF Leroy Brooker, RR 1 Box 11, Tulare, SD 57476

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

Fee for Application for Permit No. <u>5798-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	250	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	250 00

By

John Hatch
Chief

REPORT ON WATER PERMIT APPLICATION NO. 5798-3
for LeRoy Brooker
February 7, 1994

Application No. 5798-3 proposes to appropriate 2.2 cfs from one well approximately 85 feet deep located in the approximate center of the NW 1/4 of section 14 to irrigate 160 acres located in the NW 1/4 of section 14; T114N R64W in Spink County.

AQUIFER - TULARE WESTERN SPINK (T-WS)

The Tulare Western Spink is a buried glacial outwash (sand and gravel) under predominantly confined (artesian) conditions. The aquifer underlies 72,300 acres and contains an estimated 270,930 acre feet of recoverable water in storage in Spink County (Hedges, 1982). The aquifer extends into Hand County to the west and is also hydraulically connected to the Tulare Hand aquifer to the west and to the Tulare Hitchcock aquifer to the east. Recharge to the Tulare aquifer west of the James River has been estimated to be approximately 23,000 acre feet per year (Kuiper, 1984). Recharge to the Tulare Western Spink management unit has been estimated "best fit" at 0.83 inches per year (5,000 acre feet) with a range of 0.41 to 1.66 inches per year (2470 to 10,000 acre feet annually) (Hedges, 1983). Ground water movement is basically from west to east across Spink County and south into Beadle County. The James River is a discharge zone for ground water. Also the Turtle River cuts into the aquifer in southwestern Spink County and probably provides recharge to the aquifer.

Water use from the Tulare Western Spink aquifer is primarily for irrigation. Reported usage for the aquifer varies considerably depending upon the climatic conditions for that year and since 1987 the highest water use has been 5,106 acre feet in 1989. For the time period from 1987 through 1992 the average water use for irrigation has been 3773 acre feet per year (Source: Unpublished Irrigation Questionnaire Data).

The Division of Water Rights monitors 10 observation wells completed into the Tulare Western Spink aquifer within a 3 mile radius of this application. Hydrographs for two of these wells SP-53B (located 1 mile north) and SP-80G (located about 1/4 mile west) are included with this report. Water level records for these wells indicated that the aquifer is capable of sustaining additional withdrawals. The record shows the effects of pumping (10 to 20 feet of fluctuation in head) and the climatic affects (gradual rising or lowering of water levels) caused by wet years and drought (Water Rights, 1994).

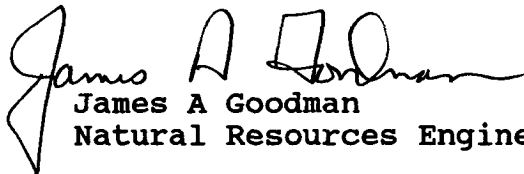
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing water Rights Nos. 3126-3, 3164-3 and 5231-3 with diversion points located about 1 mile from the diversion point for this application. Interference is not

expected to be adverse. Drawdown is expected and the cones of influence will overlap (this is shown by the observation well hydrographs) but this should not adversely affect existing diversions.

CONCLUSIONS

1. Water is available from the Tulare Western Spink aquifer.
2. The aquifer is confined and under artesian conditions. Drawdown will occur as a result of pumping. This is not expected to adversely affect any existing diversions.
3. The well authorized by this application must be completed in accordance with SD Well Construction Standards.
4. Estimated recharge to the Tulare Western Spink is near to the reported irrigation pumping from the aquifer for certain years. However, the observation well hydrographs indicate that the aquifer is easily sustaining pumping. The aquifer is hydraulically connected to other management units of the Tulare both to the east and west. Either the estimate for recharge is low or the management unit to the west is providing sufficient water to maintain water levels in the observation wells.

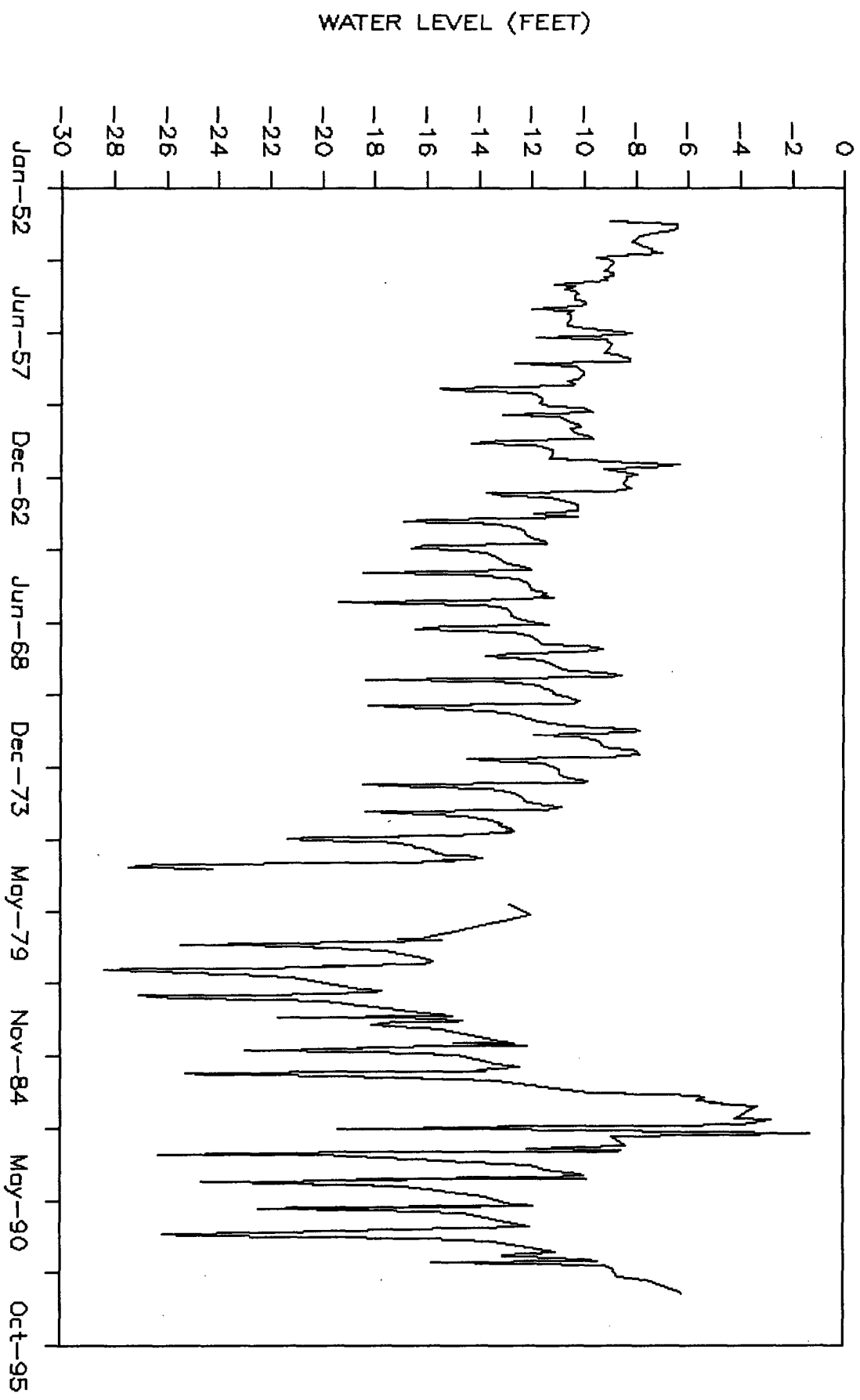

James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Hedges, L.S., etal, 1983, Same, Task 7: Ground Water Recharge, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Kuiper, L.K., 1984, Appraisal of the Water Resources of the Eastern Part of the Tulare Aquifer, Beadle, Hand, and Spink Counties, South Dakota, USGS WRI 84-4078, Huron, SD, 57350.
- Water Rights, 1994, Unpublished Observation Well Data for Spink County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

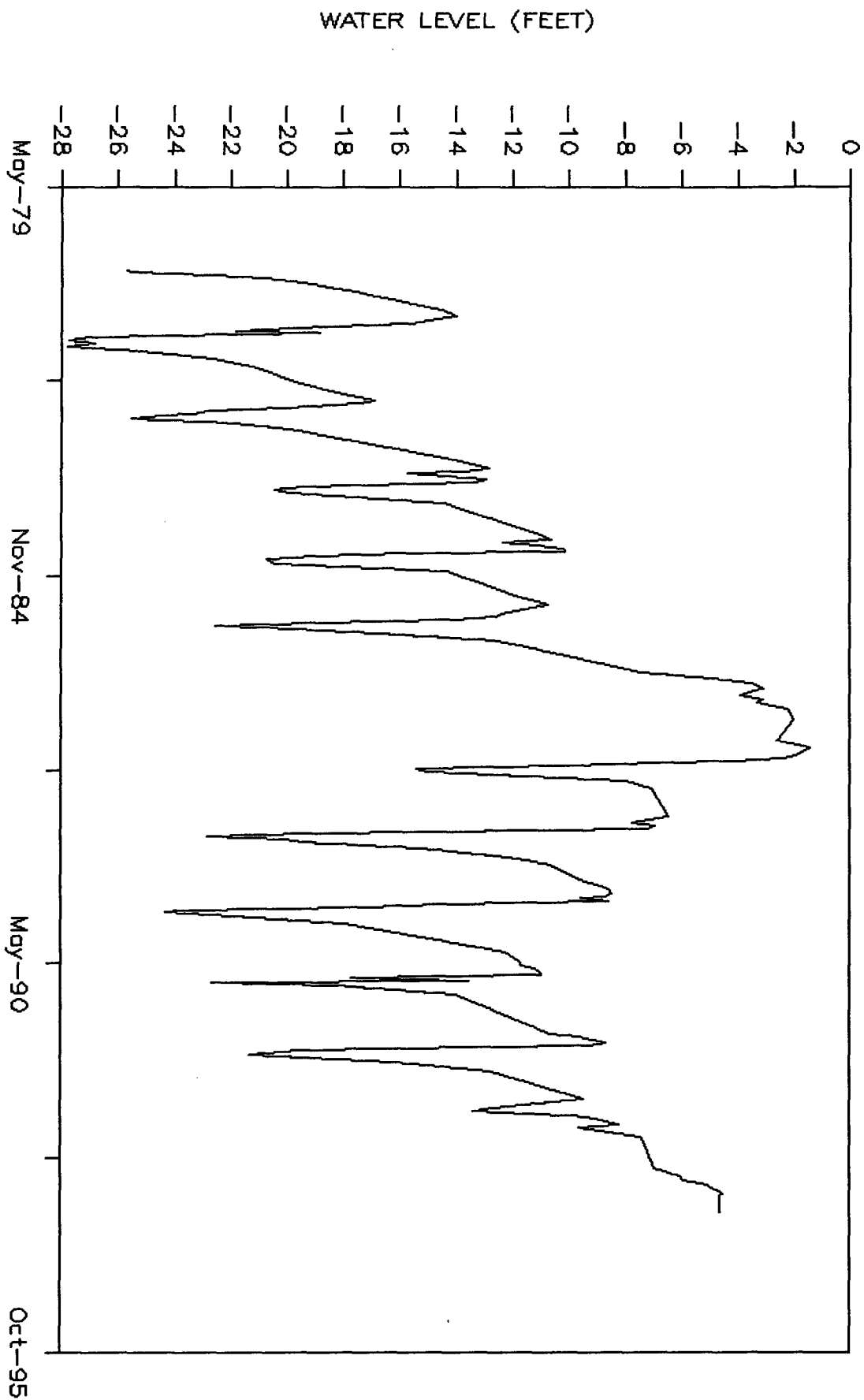
WATER RIGHTS OBSERVATION WELL

SP-53B



WATER RIGHTS OBSERVATION WELL

SP-80G



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5798-3, LeRoy Brooker

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. 3798-3, LeRoy Brooker, RR 1 Box 11, Tulare, SD 57476.

The Chief Engineer is recommending APPROVAL of Application No. 5798-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 5798-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
February 25, 1994



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 7, 1994

LeRoy Brooker
RR 1 Box 11
Tulare, SD 57476

Dear Mr. Brooker:

Water Permit Application No. 5798-3 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 Redfield Press printed at Redfield, SD (Ph # 472-0822). 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
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

March 7, 1994

Redfield Press
Box 440
Redfield, SD 57469-0440

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5798-3 to be published twice. Please publish the first notice on March 16, 1994, 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 LeRoy Brooker, RR 1 Box 11, Tulare, SD 57476 (Ph # 266-2745).

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

FIRST TRANSMITTAL NOTICE

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

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 March 16, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5798-3 to Appropriate Water

Notice is given that LeRoy Brooker, RR 1 Box 11, Tulare, SD 57476 has filed an application for a water permit to appropriate 2.2 cubic feet of water per second from one well (Tulare Western Spink Aquifer) 85 feet deep located in the approximate center of the NW 1/4 Section 14 to irrigate 160 acres located in the NW 1/4 Section 14; all in T114N-R64W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5798-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 4, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Spink) ss



I, Margaret Mundstuck

certify that the attached printed Notice was

taken from the Redfield Press

printed and published in Redfield

County of Spink and State of

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

March 16 and 23

Cost of Printing: \$ 57.63

Margaret Mundstuck
 (Signature)

Bookkeeper
 (Title)

March 23, 1994
 (Date Signed)

Application filed for water permit

No. 51

NOTICE OF APPLICATION NO. 5798-3 TO APPROPRIATE WATER

Notice is given that LeRoy Brooker, RR 1 Box 11, Tulare, SD 57476 has filed an application for a water permit to appropriate 2.2 cubic feet of water per second from one well (Tulare Western Spink Aquifer) 85 feet deep located in the approximate center of the NW 1/4 Section 14 to irrigate 160 acres located in the NW 1/4 Section 14; all in T114N-R64W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5798-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application.

Russell L. Stone
 Acting Secretary
 Department of Environment
 and Natural Resources

(March 16, 23)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 20 1994

LeRoy Brooker
RR 1 Box 11
Tulare, SD 57476

Dear Mr. Brooker:

Enclosed is Water Permit No. 5798-3 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 30, 2001

5798-3

LeRoy Brooker
PO Box 104
Tulare, SD 57476-0104

Dear Mr. Brooker:

On June 26, 2001, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5798-3, was completed by Stacy Johnson, a staff engineer with our program. Your final water right document, the water license, can now be issued.

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

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

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

416878

Pierre, August 3, 20 01

RECEIVED OF LeRoy or Elsie Brooker, 201 3rd Ave., PO Box 104, Tulare, SD 57476
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. 5798-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

Darland S. Erbe

Chief Engineer

gm

Permit No. 5798-3
James River - Water District

Other permit/license(s) associated with project: 3321-3

Contact Person & Address: LeRoy Brooker, 201 3rd Avenue, Tulare SD 57476

Report Of Examination Of Works

On, June 26, 2001, I made a thorough examination of the water use system constructed by LeRoy Brooker of 201 3rd Avenue, Tulare SD 57476 holder of Permit No. 5798-3, bearing the priority of January 21, 1994, authorizing the diversion of 2.2 cu. ft. per second of water for irrigation purposes, in Spink County.

The system is in the following condition good. The point of diversion is located Well: from the NW corner of Section 14 T114N-R64W it is 1294 feet east and 1422 feet south with a longitude of -98.498909 and a latitude of 44.687467. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water that is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

All land is in Section 14 T114N-R64W

NE 1/4 NW 1/4 = 33 Acres

SE 1/4 NW 1/4 = 33 Acres

SW 1/4 NW 1/4 = 33 Acres

NW 1/4 NW 1/4 = 33 Acres

comprising a total of 132 acres of land and the license should be issued for 1.78 cfs.

Review of 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
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

Diversion Point Information:

- | | |
|--|-------------------------------------|
| 1) Well Drilling Firm: <u>Pullman Drilling</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>85</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|------------------------------|--------------------------|
| 1) Diameter <u>16</u> inches | 2) Length <u>55</u> feet |
|------------------------------|--------------------------|

3) Type Plastic

Screen:

1) Type PVC

2) Length 30 feet

3) Static water level 10 feet

Pump\ Motor:

1) Pump Make Land roller

2) Pump Model unknown

3) Capacity 800 GPM

4) Motor Make John Deere

5) Motor Model No. Four cylinder diesel 4039 6) Horsepower rating 55 hp

Distribution System:

1) Type Aluminum 2) Size 8 inches 3) Length 40 feet

System Type:

Center pivot:

1) Make T & L

2) Overall length 1320 feet

3) Number of towers 7 or 8

4) End gun yes

5) High or low pressure Low

6) Capacity 800 GPM

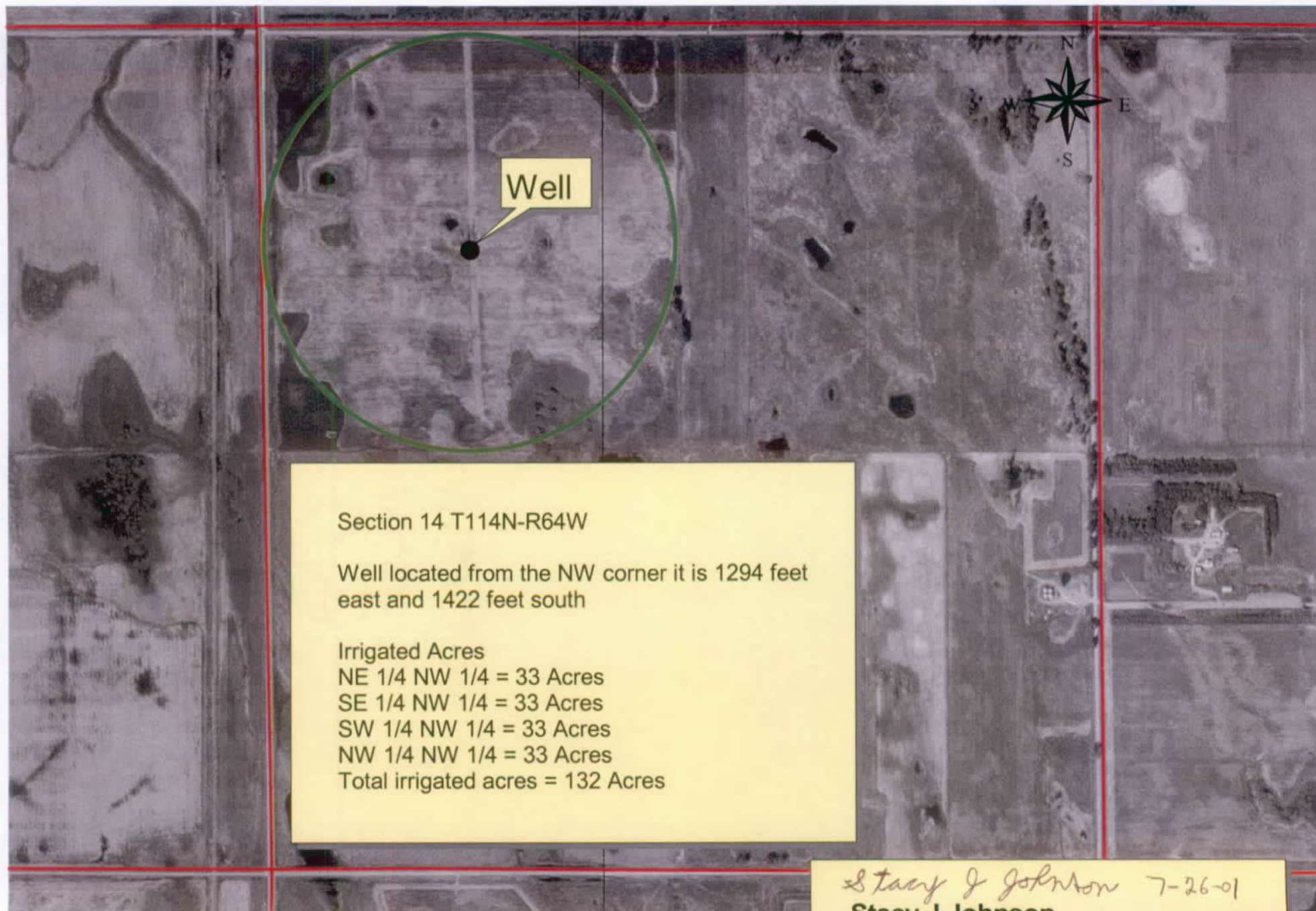
Chemigation:

1) Does chemigate no

Stacy J. Johnson
Stacy J. Johnson
Natural Resources Project Engineer
DENR, Water Rights Program

7-30-01
Date

5798-3



Section 14 T114N-R64W

Well located from the NW corner it is 1294 feet east and 1422 feet south

Irrigated Acres

NE 1/4 NW 1/4 = 33 Acres

SE 1/4 NW 1/4 = 33 Acres

SW 1/4 NW 1/4 = 33 Acres

NW 1/4 NW 1/4 = 33 Acres

Total irrigated acres = 132 Acres

0.3 0 0.3 Miles

Stacy J Johnson 7-26-01
Stacy J Johnson
Natural Resources Engineer
SD DENR Water Rights Program

5798-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5798-3

(1) LeRoy Brooker, 201 3rd Ave, PO Box 104, Tulare, SD 57476 made Application No. 5798-3, January 21, 1994 for a water permit to divert 2.20 cubic feet of water per second from ground water, Spink County, South Dakota for irrigation purposes. Permit No. 5798-3, with a priority date of January 21, 1994 was approved April 4, 1994 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 4, 1999 and for the application to beneficial use of said water on or before April 4, 2003.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 1,294'E and 1,422'S of the NW corner of Section 14, T114N, R64W (SW ¼ NW ¼ or approximate center of the NW ¼).

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

Section 14, T114N, R64W

NE ¼ NW ¼	33 acres
SE ¼ NW ¼	33 acres
SW ¼ NW ¼	33 acres
NW ¼ NW ¼	33 acres
Total	132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 LeRoy Brooker, 201 3rd Ave, PO Box 104, Tulare, SD 57476 the holder and/or owner of Water Right No. 5798-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water with a priority date of January 21, 1994 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 5798-3 and subject to South Dakota State Law.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 13 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5798-3

LeRoy Brooker
PO Box 104
Tulare, SD 57476

Dear Mr. Brooker:

Enclosed is Water License No. 5798-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416878 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. 5798-3, 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.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 20, 2010

5798-3

Peggy & David Brooker
18512 387th Ave
Tulare SD 57476

Dear Mr. & Mrs. Brooker:

I am writing in follow-up to the notation made on the 2010 irrigation questionnaire for Water Right No. 5798-3. It is my understanding that the water right currently listed in the name of Leroy Brooker should be transferred to your names.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

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

enclosure

RECEIVED

OCT 25 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5798-3

Date: 10-22-10

I/We request that Water Right No. 5798-3

formerly owned by: Leroy Brooker

be transferred to: (name & address) Peggy Brooker and David Brooker

18512 387th Ave

Tulare, S.D. 57476

Telephone No. 605-596-4391

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

132 acres - NW ¼ ~~Section 15~~ T114N, R64W

Section 14

I/We understand that the validity of Water Right No. 5798-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

I/We Peggy Brooker and David Brooker, the new owner, certify that the above information is true and correct.

Peggy Brooker David Brooker
(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 10/25, 20 10

RECEIVED OF Brooker Farms 18512 387th Ave Tulare SD 57476

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>5798-3</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.

04650

By

Lubal E. Mule
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 20, 2010

5798-3

Peggy & David Brooker
18512 387th Ave
Tulare SD 57476

Dear Mr. & Mrs. Brooker:

I am writing to acknowledge receipt of the ownership change and filing fee you submitted for Water Right No. 5798-3.

The ownership change has been completed. The water right formerly held by Leroy Brooker is now listed in your name. Enclosed is your Receipt No. 04650 in the amount of \$50.00 which you paid for filing the ownership change.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure