

WATER PERMIT NO. 5808-3

Phone: 331-2233

Name of Applicant: Dan Merkwan

Post Office Address: RR 1, Geddes SD 57342

Amount of Water Claimed: 1.94 cfs Total Acres: 136 acres

Source of Water Supply: slough

Water to be used for: irrigation County: Charles Mix

About 7 miles east of Geddes

PRIORITY Date Received: 1-11-94 Fee: \$250.00 Remarks: _____

Corrected Application Received: 2/3/94 ~~2-28-94~~ 2/7/94 Period of Annual Use: May 1 - Oct 31

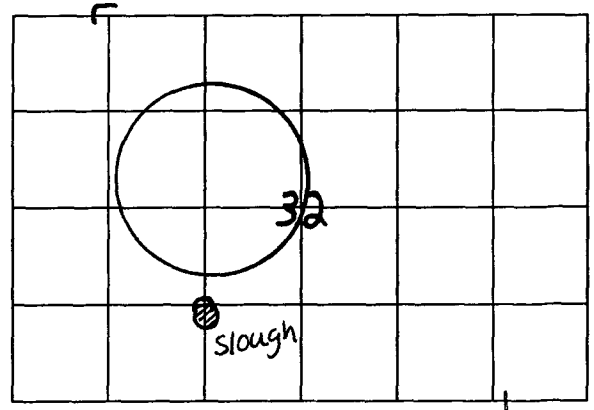
WATER QUALITY APPROVAL RECEIVED: _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: center of SW 1/4 Sec 32-

T98N-R65W

Land to be Irrigated: _____



Well Log: Driller: NA Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial PREPARED BY: Les Labahn, SCS Reviewed and the Number

Assigned on: 3-7-94 By: Karen Schlaak

FORM 2: Application for Irrigation in South Dakota
(type or print)



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

No. 5808-3 Hydrologic Unit 10140101
Basin Missouri River
Newspaper Charles Mix Co. News, Geddes
(office use only)

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

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

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

- Name of Applicant Dan Merkwan Phone 337-2233
(check one) Owner Tenant/lessee
- Mailing Address RR 1 Geddes State SD 57342
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 1.94 *CFS or **GPM ***AF Total Acreage 136
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet -- storage capacity of dam/dugout if applicable)
- Source of water supply Surface Water (slough)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Pump site located in center of the S.W. 1/4 of Sec. 32-T98N-R65W
- County Charles Mix
- County or counties where water will be used Charles Mix
- Annual period during which water is to be used May 1 thru October 31
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SE 1/4 NW 1/4 Section 32 T98N-R65W	34 37	NW 1/4 NW 1/4 Section 32 T98N-R65W	3
SW 1/4 NW 1/4 Section 32 T98N-R65W	34 37	NE 1/4 NW 1/4 Section 32 T98N-R65W	4
NE 1/4 SW 1/4 Section 32 T98N-R65W	34 27	SW 1/4 NE 1/4 Section 32 T98N-R65W	2
NW 1/4 SW 1/4 Section 32 T98N-R65W	34 26		

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

System consists of an Engine & 4 inch pump & center pivot.

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

STATE OF SOUTH DAKOTA)

County of Charles Mix^{SS}

I, Dan Merkwan, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Dan Merkwan

Subscribed and sworn to before me this 4 day of Feb 19 94

Harold J. Baegen 4-18-98
Notary Public



Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____

On applicants property _____ On property owned by others _____

SLOUGH

2. **SLOUGH** Information

- a) Surface Dimensions 17 acres Depth 7 ft
- 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 for each dam. The locations of the dams need to 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

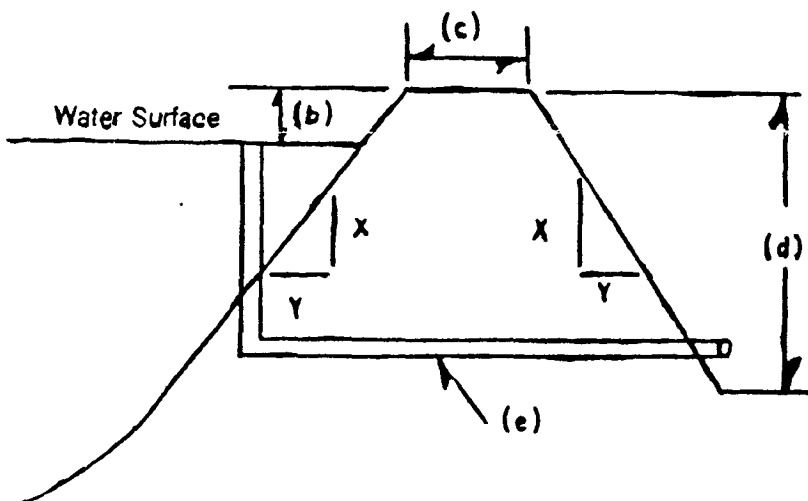
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



**SOUTH DAKOTA
WATER PERMIT NO. 5808-3**

Date of first receipt of application January 11, 1994.

Date of return to applicant for corrections, amendments or changes January 12, 1994.

Date of receipt of corrected application February 7, 1994.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5808-3 to Dan Merkwan, RR 1, Geddes SD 57342 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. 5808-3 to appropriate 1.94 cubic feet of water per second from a slough located in the approximate center of the SW 1/4 Section 32 to irrigate 136 acres located in the NW 1/4, N 1/2 SW 1/4, SW 1/4 NE 1/4 Section 32; all in T98N-R65W.
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: May 1 - October 31.
3. The date from which applicant may claim right is January 11, 1994.
4. The date of approval of Permit No. 5808-3 is June 6, 1994.
5. One-fifth of the construction is to be completed on or before December 6, 1996.
6. All construction is to be completed on or before June 6, 1999.
7. Water is to be put to beneficial use on or before June 6, 2003.
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, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

AUG 19 1994
date

RECEIPT

413988

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, January 11, 19 94

RECEIVED OF Dan Merkwan, 3 DM Livestock & Grain, Inc RRI, Geddes 57342

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

Fee for Application for Permit No. <u>5808-3</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

Chief Engineer

John Hatcher

CHARLES MIX COUNTY, SOUTH DAKOTA

USDA-SC

Sec. II-A

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TABLE 1 - SOIL INTERPRETIVE GROUPS^{4/}

Map Symbol	Mapping Unit Name	% mu	% Slope	Lgt	IS	Slope %	Capability Unit		Range Site	Pasture Group	Windbrk Suitby Group	Wind Erodbty Soil Group	Soil Loss Values			Hydro Group
							Dryland	Irrigation					K	Tons	T/K	
AaA	Agar silt loam SD0070		1	200	.16	0-2	IIC2		S1	F	3	6(48)	.32	5	15	B
AaB	Agar silt loam		4	180	.53	2-6	IIE1		S1	F	3	6(48)	.32	5	15	B
AaC	Agar silt loam		8	200	.14	6-9	IIIE1		S1	F	3	6(48)	.32	5	15	B
Ab	Albaton silty clay IA0120		1	200	.16	0-1	IIIW3		Sb	A	2	4(86)	.28	5	17	D
An	Albaton silty clay, depressiona IA0271		.5	80	.09	0-1	Vw4		WL	B2	10	8(-)	.32	5	15	D
AO	Aowa silty clay loam NE0196		1	200	.16	0-2	IIC1		Ov	K	1	7(38)	.32	5	15	B
Ar	Arlo silt loam, wet SD0349		.5	60	.08	0-1	Vw3		WL	B2	10	8(-)	.28	4	14	B
AsA	Arlo-Enet loams Arlo part SD0310 Enet part	60 40	1	60	.11	0-2	IIIW3 IIIS2		Sb S1	B1 D1	2 6G	4L(86) 6(48)	.28 .28	4 4	14 14	B B
BbC	Beadle-Eakin complex Beadle part SD0017 Eakin part	60 40	8	100	.99	6-9	IVe7 IIIE2		Cy S1	E F	4L 3	6(48) 6(48)	.28 .32	5 5	17 15	C B
BcA	Beadle-Jerauld complex Beadle part Jerauld part SD0057	60 40	2	100	.20	0-4	IIIE3 VIS1		Cy TCp	E NS	4L 10	6(48) 6(48)	.28 .37	5 3	17 8	C D
BdF	Betts loam SD0018		30	80		15-40	VIIE3		TU	NS	10	4L(86)	.28	5	17	B
BdF	Betts-Ethan loams Betts part SD0018 Ethan part		16	100	2.8	9-25	VIe3		TU S1	G G	10 10	4L(86) 4L(86)	.28 .28	5 5	17 17	B B
Bn	Bon silt loam SD0022		.5	100	.10	0-2	IIC3		Ov	K	1	6(48)	.24	5	20	B
Bo	Bon silt loam, channeled SD0314		.5	60	.08	0-2	VIW1		Ov	K	10	6(48)	.24	5	20	B
BsD	Boyd-Sansarc complex Boyd part SD0097 Sansarc part	60 40	10	150	1.6	6-15	IVe4 VIe12		Cy SwC	I NS	4C 10	4(86) 4(86)	.37 .37	4 2	10 5	D D
CeB	Clarno-Ethan loams Clarno part SD0021 Ethan part	60 40	4	200	.53	2-6	IIE2 IIIE12		S1 S1	F G	3 8	6(48) 4L(86)	.28 .28	5 5	17 17	B B
CeC	Clarno-Ethan loams Clarno part Ethan part	60 40	8	100	.99	6-9	IIIE2 IVe3		S1 S1	F G	3 8	6(48) 4L(86)	.28 .28	5 5	17 17	B B
Da	DeGrey-Jerauld silt loams DeGrey part SD0094 Jerauld part SD0057	60 40	1	80	.12	0-2	IVs2 VIS1		Cp TCp	C NS	9 10	6(48) 6(48)	.37 .37	3 3	8 8	D D
Db	DeGrey-Walke silt loams DeGrey part Walke part SD0199	60 40	1	80	.12	0-2	IVs2 IIIS1		Cp Cy	C E	9 4L	6(48) 6(48)	.37 .32	3 5	8 15	D C
DmC	Delmont-Talmo complex Delmont part SD0023 Talmo part	60 40	8	100	.99	2-9	IVe6 VIS4		SwG VS	D1 NS	6G 10	6(48) 6(48)	.28 .20	3 2	10 10	B A

CRP

TABLE 1 - SOIL INTERPRETIVE GROUPS^{4/}

USDA

Map Symbol	Mapping Unit Name	% MU	% Slope	LS	Slope	Capability Unit		Range Site	Pasture Group	Windbrk Suitby Group	Wind Erodby Soil Group	Soil Loss Values			Hyd Grou
						Dryland	Irrigation					K	Tons/ T/K		
DnA	Dorna silt loam SD0182		2	150	.23	0-4	IIe1	S1	F	3	5(56)	.32	5	15	B
Du	Durrstein silt loam		.5	80	.09	0-2	VIw4	SL	J	10	7(38)	.37	3	8	D
EaA	Eakin silt loam SD0059		1	150	.15	0-2	IIc2	S1	F	3	6(48)	.32	5	15	B
EaB	Eakin-Beadle complex Eakin part Beadle part	50 50	4	80	.37	2-6	IIe2 IIIe3	S1 Cy	F E	3 4L	6(48) 6(48)	.32 .28	5 5	15 17	B C
EdA	Eakin-DeGrey silt loams Eakin part DeGrey part	70 30	2	80	.19	0-4	IIe2 IVs2	S1 Cp	F C	3 9	6(48) 6(48)	.32 .37	5 3	15 8	B D
EeB	Eakin-Ethan complex Eakin part Ethan part	70 30	4	200 150	.53 .49	2-6	IIe2 IIIe12	S1 S1	F G	3 8	6(48) 4L(86)	.32 .28	5 5	15 17	B B
EeC	Eakin-Ethan complex Eakin part Ethan part	60 40	8	200 130	1.4 1.2	6-9	IIIe2 IVe3	S1 S1	F G	3 8	6(48) 4L(86)	.32 .28	5 5	15 17	B B
EnA	Enet loam SD0027		1	130	.14	0-2	IIIe2	S1	D1	6G	6(48)	.28	4	14	B
EnC	Enet-Delmont loams Enet part Delmont part	60 40	6	100	.67	2-9	IIIe6 VIe5	S1 SwG	D1 D2	6G 6G	6(48) 6(48)	.28 .28	4 3	14 10	B B
EtD	Ethan-Clarno loams Ethan part SD0040 Clarno part	50 50	12	100 80	1.8 1.6	9-15	VIe3	S1 S1	G F	8 3	4L(86) 6(48)	.28 .28	5 5		J B
EuC	Ethan-Homme complex Ethan part Homme part	80 20	8	130 200	1.2 1.4	6-9	IVe3 IIIe1	S1 S1	G F	8 3	4L(86) 7(38)	.28 .32	5 5	17 15	B C
GsE	Gavins-Sansarc complex Gavins part SD0205 Sansarc part	70 30	20	100	4.0	15-25	VIe11 VIe12	TU SwC	NS NS	10 10	4L(86) 4(86)	.43 .37	2 2	4 5	D D
Gv	Graceville silt loam SD0069		1	200	.16	0-2	IIc2	S1	F	3	6(48)	.32	5	15	B
HaA	Hand loam SD0048		1	120	.14	0-2	IIc2	S1	F	3	6(48)	.28	5	17	B
Hb	Haynie silt loam IA0170		1	100	.13	0-2	IIc1	S1	F	3	4L(86)	.37	5	13	B
Hc	Haynie Variant silt loam SD0332		1	100	.13	0-2	IIe1	S1	F	3	4L(86)	.32	5	15	B
HeB	Henkin loam SD0029		4	100	.40	2-6	IIIe8	Sy	H	5	5(56)	.20	5	25	E
HgA	Highmore silt loam SD0316		1	200	.16	0-2	IIc2	S1	F	3	6(48)	.32	5	15	B
HhB	Highmore-Eakin silt loams		4	200 180	.53 .48	2-6	IIe1	S1	F	3	6(48)	.32	5	15	B
HIA	Highmore-Walke silt loams Highmore part Walke part SD0199	70 30	1	160	.15	0-2	IIc2 IIIe1	S1 Cy	F E	3 4L	6(48) 6(48)	.32 .32	5 5	15 15	B C
HnB	Homme-Ethan-Onita complex Homme part SD0037 Ethan part Onita part	50 30 20	4	150 200	1.0 1.53	1-6	IIe1 IIIe12 IIc3	S1 S1 Ov	F G K	3 8 1	7(38) 4L(86) 7(38)	.32 .28 .28	5 5 5	15 17 17	C B C

CHARLES MIX COUNTY, SOUTH DAKOTA

Sec. II-A

CRP

TABLE 1 - SOIL INTERPRETIVE GROUPS

Map Symbol	Mapping Unit Name	% mu	% slope	L _f	L _s	Slope %	Capability Unit		Range Site	Pasture Group	Windbrk Suitby Group	Wind Erodibty Soil Group	Soil Loss Values			Hy Gr
							Dryland	Irrigation					K	Tons	T/K	
HoA	Homme-Onita silty clay loams Homme part Onita part	60 40	1	180	.15	0-2	IIc2 IIc3		Sl Ov	F K	3 1	7(38) 7(38)	.32 .28	5 5	15 17	
HoB	Homme-Onita silty clay loams Homme part Onita part	70 30	4	140 200	.46 .53	1-6	IIe1 IIc3		Sl Ov	F K	3 1	7(38) 7(38)	.32 .28	5 5	15 17	
HuA	Houdek loam SD0171		1	130	.14	0-2	IIc2		Sl	F	3	6(48)	.28	5	17	
HuB	Houdek loam		4	100	.40	2-6	IIe2		Sl	F	3	6(48)	.28	5	17	
Hv	Hoven silt loam SD0056		.5	40	.08	0-1	VIsl		CD	B2	10	7(38)	.37	3	8	
InB	Inavale fine sand NE0195		4	40	.28	2-6	VIe7		Sa	NS	7	1(250)	.17	5	29	
IvA	Inavale loamy fine sand NE0195		3	40	.22	0-6	IVe9		Sa	H	7	2(134)	.17	5	29	
Ix	Inavale Variant loamy fine sand SD0333		.5	40	.08	0-2	VIIIw		-	-	-	8(-)	.17	5	29	
LaA	Lane silty clay loam SD0194		1	150	.15	0-2	IIsl		Cy	F	3	7(38)	.28	5	17	
LaB	Lane silty clay loam		4	100	.40	2-6	IIIe3		Cy	F	3	7(38)	.28	5	17	
LoA	Lowry silt loam SD0091		1	250	.17	0-2	IIc2		Sl	F	3	5(56)	.32	5	15	
LoB	Lowry silt loam		4	200	.53	2-6	IIe1		Sl	F	3	5(56)	.32	5	15	
LoC	Lowry silt loam		8	200 180	1.4	6-9	IIIe1		Sl	F	3	5(56)	.32	5	15	
LoF	Lowry-Gavins silt loams Lowry part Gavins part	60 40	20	100	4.0	6-40	IVe1 VIIe7		Sl TU	F NS	3 10	5(56) 4L(86)	.32 .43	5 2	15 4	
LsD	Lowry-Sully silt loams Lowry part Sully part	60 40	12	100	1.8	9-15	IVe1 VIe3		Sl TU	F G	3 8	5(56) 4L(86)	.32 .43	5 5	15 11	
MeE	Meadin loam NE0064		20	60	3.0	15-30	VIe4		SvG	NS	10	5(56)	.28	3	10	
Mo	Mobridge silt loam SD0139		1	40	.10	0-2	IIc3		Ov	K	1	6(48)	.32	5	15	
Mu	Munfor fine sandy loam KS0150		1	100	.13	0-2	IIIe7		Sy	H	1	3(86)	.24	5	20	
OeF	Okaton silty clay SD0133		25	100		15-40	VIIe8		Sv	NS	10	4(86)	.37	2	5	
Oh	Onava fine sandy loam, overwash IA0124		1	200	.16	0-2	IIw1		Sb	K	1	3(86)	.20	5	25	
Om	Onava silty clay IA0124		1	200	.16	0-2	IIw2		Sb	A	2	4(86)	.32	5	15	
On	Onita silt loam SD0272		1	40 150	.10 .15	0-2	IIc3		Ov	K	1	6(48)	.28	5	17	
Oo	Onita-Davison complex Onita part Davison part SD0036	60 40	1	40	.10	0-3	IIc3 IIe4		Ov LSb	K F	1 3	7(38) 4L(86)	.28 .28	5 5	17 17	
Os	Onita-Hoven silt loams Onita part Hoven part	70 30	1	40	.10	0-2	IIc3 VIsl		Ov CD	K B2	1 10	6(48) 7(38)	.28 .37	5 3	17 8	



II-A

TABLE 1 - SOIL INTERPRETIVE GROUPS^{4/}

Map Symbol	Mapping Unit Name	% mu	% slope	Lgt	LS	Slope %	Capability Unit		Range Site	Pasture Group	Windbrk Suithy Group	Wind Erodibty Soil Group	Soil Loss Values			Hydro Group
							Dryland	Irrigation					K	Tons	T/K	
Ot	Onita-Tetonka silt loams Onita part Tetonka part	70 30	1	40	.10	0-2	IIC3 IIW1		Ov WM	K A	1 2	6(48) 6(48)	.28 .24	5 3	17 12	C C/D
Pg	Pits, gravel		30	40			VIIIIs2		-	-	-	-	-	-	-	A
PoA	Promise silty clay SD0071		2	240	.26	0-2	IIIs3		Cy	I	4C	4(86)	.37	5	13	D
PoB	Promise silty clay		4	200	.53	2-6	IIIs4		Cy	I	4C	4(86)	.37	5	13	D
Pr	Prosper loam SD0293		1	40	.10	0-2	IIC3		Ov	K	1	6(48)	.28	5	17	B
Sa	Salmo silty clay loam SD0042		.5	150	.11	0-1	IVW1		SL	J	10	7(38)	.28	5	17	C/D
Sm	Salmo-Napa complex Salmo part Napa part SD0328	60 40	5 15	100 150	.54 .11	0-1	IVW1 VIW4		SL SL	J NS	10 10	7(38) 6(48)	.28 .28	5 3	17 10	C/D D
SnP	Sansarc clay SD0067		30	100		25-70	VIIIs8		SwC	NS	10	4(86)	.37	2	5	D
SoP	Sansarc-Boyd complex Sansarc part Boyd part	60 40	25	100		15-40	VIIIs8		SwC Cy	NS IN	10 10	4(86) 4(86)	.37 .37	2 4	5 10	D D
SrP	Sansarc-Rock outcrop complex Sansarc part Rock outcrop part	60 40	25	80		15-40	VIIIs8 VIIIIs2		SwC -	NS -	10 -	4(86) -	.37 .55	2 1	5 2	D D
SuE	Sully silt loam SD0102		16	120	3.0	9-25	VIIs3		TU	G	10	4L(86)	.43	5	11	B
TaC	Talmo gravelly sandy loam SD0043		6	80	.60	2-9	VIIs4		VS	NS	10	6(48)	.20	2	10	
TbE	Talmo-Betts complex Talmo part Betts part	70 30	15	60	2.2	9-25	VIIs4 VIIs3		VS TU	NS G	10 10	6(48) 4L(86)	.20 .28	2 5	10 17	A B
Te	Tetonka silt loam SD0044		.5	60	.08	0-1	IVW1 ^{1/}		WM	B2	10 ^{1/}	6(48)	.24	3	12	C/D
Tn	Tetonka-Chancellor silty clay loams Tetonka part Chancellor part SD0064	70 30	.5	60	.08	0-2	IIW1		WM Ov	B2 A	2 2	7(38) 7(38)	.24 .28	3 5	12 17	C/D C
Wd	Wendte Variant silty clay SD0331		.5	100	.10	0-2	IIIW3		Ov	I	2	4(86)	.28	5	17	D
Wo	Worthing silty clay loam SD0046		.5	80	.09	0-1	VW4 ^{3/}		SM	B2	10	7(38)	.37	5	13	D
Wp	Worthing silty clay loam, ponded SD0266		.5	100	.10	0-1	VIIIW1		-	NS	10	8(-)	.37	5	13	D

^{1/} Undrained; if drained, capability unit is IIW-1 and windbreak group 2.^{2/} Determined by on site inspection. When dual group "A, B2" is shown. "A" is drained, "B2" is undrained depressional soils. "D1" represents soils 20 to 40 inches deep over sand and gravel. "D2" represents soils 10 to 20 inches deep over sand and gravel.^{3/} Undrained; if drained, capability unit is IIIW-2 and windbreak group 2.^{4/} This table represents current interpretations and may not agree with the soil survey publication.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 1993

Dan Merkwan
RR 1
Ceddes, SD 57342

Dear Dan:

Enclosed is a partially completed application form with an instruction sheet for you to complete for the center pivot in Section 32. Please fill out Nos. 4, 9, & 10 on the application and have it signed before a Notary Public. On Form 2A, please fill out No. 2 as accurately as possible by giving the average depth, surface area, and approximate volume of the slough. Nos. 1 & 3 may be left blank because they don't pertain to your situation (unless there is a dike built to hold water back into the slough).

As we discussed on the telephone, the application should be checked to be sure all legal descriptions of the irrigated land and the diversion point location are correct.

According to South Dakota Statutes, a filing fee is required for each application (see #6 on instruction sheet). Please submit the forms, signed map, and a filing fee of \$250.00 to:

Department of Environment and Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

If you have any questions pertaining to the Water Permit Application, please feel free to contact me at 773-3352 or contact me via letter using the above address.

Sincerely,

Barry A. McLaury
Water Rights Division
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 29, 1993

Dan Merkwan
RR 1
Geddes SD 57342

Dear Mr. Merkwan:

On October 29, 1993, you were sent applications forms for a permit to appropriate water based on an inspection by Barry McLaury, an engineer with this office. This inspection showed that your system was never permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding this application.

Enclosed is another set of partially completed application forms and instruction sheet. Please review the application and have it signed and notarized. Return the application with any additional information requested in the first letter to you.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Sincerely,

Karen Schlaak
Natural Resources Analyst
Phone: (605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 12, 1994

Dan Merkwan
RR
Geddes SD 57342

Dear Mr. Merkwan:

In regard to your water permit application received on January 11, 1994, the following information needs to be submitted in order to process your application.

1. A map (or aerial photo) outlining the lands irrigated and showing the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
2. A soils map is required of the land to be irrigated in order to proceed with the Soil/Water Compatibility permit.

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

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 1994

Dan Merkwan
RR 1
Geddes SD 57342

Dear Mr. Merkwan:

We have received the aerial photo and soils information regarding your water permit application. The lands outlined on the aerial photo need to correspond with the land descriptions on Item No. 7 of the application. From the aerial photo, it appears that portions of the N 1/2 NW 1/4, SW 1/4 NE 1/4 and NW 1/4 SE 1/4 Section 32-T98N-R65W will be irrigated also. The acreage in each of these quarter-quarters will need to be included on the application.

We have reviewed the area outlined for irrigation on the aerial photo, and believe the following accurately describes your project. If you agree with the amounts and locations as listed below, please let us know and we will make the changes on the application.

Section 32-T98N-R65W			
NW 1/4 NW 1/4	10 acres	NW 1/4 SW 1/4	24 acres
NE 1/4 NW 1/4	12 acres	NE 1/4 SW 1/4	28 acres
SW 1/4 NW 1/4	39 acres	SW 1/4 NE 1/4	5 acres
SE 1/4 NW 1/4	40 acres	NW 1/4 SE 1/4	2 acres
Total			160 acres

Also, under State Statutes you are allowed 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed 2.28 cfs to irrigate 160 acres.

After clarification of the acreage amounts and locations, the application will be forwarded to the Department of Agriculture where the soil/water permit is considered. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Environmental Scientist
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 1994

Dan Merkwan
Box 50
Geddes, SD 57342

Dear Dan:

Enclosed is a copy of the first application form which was previously sent to you. Also, there is a copy of that same application with the required acreage changes I made. The enclosed map is a copy of the original map drawn by Les Lebahn showing the amount of irrigated acreage in each 40 acre tract. Note the total area watered under this system is 136 acres.

If you disagree with any of my figures, be sure to contact me right away so we can solve this matter.

If you ever have any questions about your Water Permits/Rights, please feel free to contact me at 773-3352.

Sincerely,

Barry A. McLaury
Water Rights Division
(605) 773-3352

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 5808-3
DAN MERKWAN
APRIL 25, 1994

Application No. 5808-3, Dan Merkwan, proposes to appropriate 1.94 cubic feet of water per second (cfs) from a slough located in the approximate center of the SW1/4 Section 32 to irrigate 136 acres located in the NW1/4, N1/2 SW1/4, SW1/4 NE1/4 Section 32; all in T98N-R65W. The project is located in Charles Mix County approximately 7 miles east of Geddes.

Review of the Proposed Project and Existing Water Rights

The source of water for this proposed project is from a slough at the upper end of the watershed that supplies Lake Andes. The proposed diversion point is located approximately 10 miles upstream from Lake Andes in a non-contributing portion of the watershed. South Dakota Department of Game, Fish and Parks hold Vested Water Right No. 774-3 with a priority date of January 1, 1889 for the storage of 12,048 acre-feet of water (ac-ft) in Lake Andes. This proposed project would not be expected to have adverse effects on Lake Andes because the diversion point will be in a non-contributing portion of the drainage basin. There are no other existing water rights/permits located between the proposed diversion point and Lake Andes.

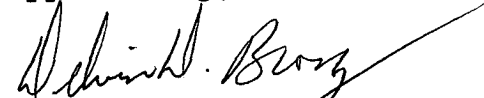
Conclusions

1. Application No. 5805-3 proposes to appropriate 1.94 cfs for the irrigation of 136 acres.
2. SD Game Fish and Parks holds Vested Water Right No. 774-3 for storage in Lake Andes. This proposed project would not be expected to adversely affect this water right because the diversion point will be located in the non-contributing portion of the drainage basin.



Mark D. Rath
Natural Resources Engineer III

Approved by,



Delvin D. Brosz, P.E.
Natural Resources Engineer IV

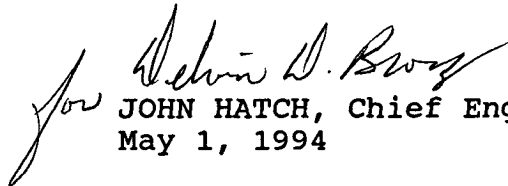
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5808-3, Dan Merkwan

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. 5808-3, Dan Merkwan, RR 1, Geddes, SD 57342.

The Chief Engineer is recommending APPROVAL of Application No. 5808-3 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
May 1, 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.

May 11, 1994

Dan Merkwan
RR 1
Geddes, SD 57342

Dear Mr. Merkwan:

Water Permit Application No. 5808-3 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 Charles Mix Co. News printed at Geddes, SD (Ph # 337-2571). 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

May 11, 1994

Charles Mix Co. News
Box 257
Geddes, SD 57342-0257

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5808-3 to be published twice. Please publish the first notice on May 19, 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 Dan Merkwan, RR 1, Geddes, SD 57342 (Ph # 331-2233).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on May 19, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5808-3 to Appropriate Water

Notice is given that Dan Merkwan, RR 1, Geddes, SD 57342 has filed an application for a water permit to appropriate 1.94 cubic feet of water per second from a slough located in the approximate center of the SW 1/4 Section 32 to irrigate 136 acres located in the NW 1/4, N 1/2 SW 1/4, SW 1/4 NE 1/4 Section 32; all in T98N-R65W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5808-3 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 June 6, 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 Charles Mix) ss

I, Harold J. Jaeger

certify that the attached printed Notice was

taken from the Charles Mix

County News

printed and published in Geddes

County of Charles Mix and State of

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

May 19, 1994

May 26, 1994

Cost of Printing: \$30.58

Harold J. Jaeger
 (Signature)

Owner-Publisher

(Title)

5-26-94

(Date Signed)

NOTICE OF APPLICATION

NO. 5808-3 TO

APPROPRIATE WATER

Notice is given that Dan Merkwon, RR 1, Geddes, SD 57342 has filed an application for a water permit to appropriate 1.94 cubic feet of water per second from a slough located in the approximate center of the SW 1/4 Section 32 to irrigate 136 acres located in the NW 1/4, N 1/2 SW 1/4, SW 1/4 NE 1/4 Section 32, all in T98N-R65W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5808-3 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 June 6, 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.

Pub. May 19 and 26





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 19 1994

Dan Merkwan
RR 1
Geddes, SD 57342

Dear Mr. Merkwan:

Enclosed is Water Permit No. 5808-3 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 8-26-94

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

FROM: Dan Merkwon Box 50
(name) (address)
Geddes S.D. 57342 605-337-9606
(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. 5808-3.

Water Permit No. 5808-3 states that the diversion system is to be constructed by June 6 1999, and that the water is put to beneficial use by June 6 2003.
(date) (date)

The diversion system was completed on July 3- 1994.
(date)

Applying the water to beneficial use was completed on 8-25-94.
(date)

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

Dan Merkwon
(signature)

RECEIPT

414636

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, October 6, 19 95

RECEIVED OF Dan Merkwan, Geddes, SD 57342

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5808-3</u>		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

REPORT ON INSPECTION OF PERMIT NO. 5808-3

Other permit(s) associated with the project: None

DATE OF INSPECTION: April 5, 1995

NAME & ADDRESS OF INSPECTION CONTACT/

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Dan Merkwan, RR1, Geddes, SD 57342

NAME & ADDRESS OF PERMIT HOLDER: Same as above.

DIVERSION POINT LEGAL LOCATION: 1320 feet N and 1320 feet E from the SW corner of Section 32; T98N R65W.

Pump:

- 1) Make Berkeley
- 2) Serial No. 7676840
- 3) Capacity 1,000 GPM

Motor:

- 1) Make Chrysler Industrial
- 2) Model No. 413
- 3) Horsepower rating 100 hp

DISTRIBUTION LINES OR CANALS:

- | | | |
|--------------------|-------------------------|-----------------------------|
| 1) Type <u>ALU</u> | 2) Size <u>8</u> inches | 3) Length <u>150</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>1,450</u> feet |

SYSTEM TYPE:

Center pivot:

- 1) Make Valley Waterdrive
- 2) Overall length 1298 feet
- 3) Number of towers 13
- 4) Distance between towers 100 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 1,000 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y
- 2) Main line check valve Y
- 3) Inspection port/air relief Y
- 4) Low pressure drain Y
- 5) Discharge is 20' from source Y
- 6) Interlock type Mechanical
- 7) Injection pump type Single Piston
- 8) Injection check valve Y
- 9) Injection line check valve or positive displacement pump Y
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Y

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Permit No. 5808-3
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, April 5, 1995, made a thorough examination of the water use system constructed by Dan Merkwan of RR1, Geddes, SD 57342 holder of Permit No. 5808-3, bearing the priority of January 11, 1994 authorizing the diversion of 1.94 cu. ft. of water per second from surface water (slough) for irrigation purposes, in Charles Mix County.

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

A. Works used to divert the water:

A 100 HP Chrysler Industrial propane engine with a 1,000 GPM Berkeley pump.

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

1,600 feet of 8" buried pipe.

C. Works used to apply water to beneficial use:

A 13 tower Valley Waterdrive center pivot rated at 1,000 GPM.

The system is in the following condition good. The point of diversion is located 1320 feet N and 1320 feet E from the SW corner of Section 32; T98N R65W. The works are capable of diverting and conveying to the place of use 2.22 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T98N R65W	SECTION 32	NW1/4 NW1/4	03 acres
		NE1/4 NW1/4	03 acres
		SW1/4 NW1/4	38 acres
		SE1/4 NW1/4	38 acres
		NW1/4 SW1/4	26 acres
		NE1/4 SW1/4	27 acres
		SW1/4 NE1/4	01 acres

comprising a total of 136 acres of land and the license should be issued for 1.94 cfs (1 cfs/70 acres).

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date Report Completed: November 8, 1995



Barry A. McLaury
Natural Resources Scientist
DENR, Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5808-3

(1) Dan Merkwan, Box 50, Geddes SD 57342 made Application No. 5808-3, January 11, 1994 for a water permit to appropriate 1.94 cubic feet of water per second from surface water (slough), Charles Mix County, South Dakota for irrigation purposes. Permit No. 5808-3, with a priority date of January 11, 1994 was approved June 6, 1994 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 6, 1999 and for the application to beneficial use of said water on or before June 6, 2003.

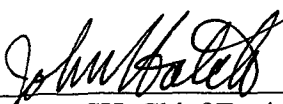
The permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on August 29, 1994. The "*Notice*" stated the diversion system was completed on July 3, 1994 and the water placed to beneficial use on August 25, 1994.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.94 cubic feet of water per second for beneficial use. The location of the diversion point is 1320 feet north and 1320 feet east from the southwest corner of Section 32-T98N-R65W (center of the SW 1/4 Section 32).

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

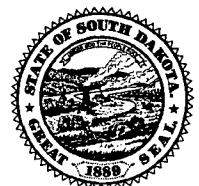
Section 32-T98N-R65W	NW 1/4 NW 1/4	3 acres
	NE 1/4 NW 1/4	3 acres
	SW 1/4 NW 1/4	38 acres
	SE 1/4 NW 1/4	38 acres
	NW 1/4 SW 1/4	26 acres
	NE 1/4 SW 1/4	27 acres
	SW 1/4 NE 1/4	1 acre
Total		136 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dan Merkwan, Box 50, Geddes SD 57342 the holder and/or owner of Water Permit No. 5808-3 is issued a license to appropriate water, the right to use 1.94 cubic feet of water per second from surface water (slough) with a priority date of January 11, 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 Permit No. 5808-3 and subject to South Dakota State Law.


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

JUL 2 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

5808-3

Dan Merkwan
Box 50
Geddes, SD 57342

Dear Mr. Merkwan:

Enclosed is Water License No. 5808-3 and Receipt No. 414636 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 5808-3 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2007

Dan Merkwan
Box 50
Geddes SD 57342

Dear Mr. Merkwan:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 684-3, 1415-3B, 1415-3C and 4407-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

On the irrigation questionnaire you completed for Water Right No. 4407-3, you indicated the additional acres being irrigated were in Section 13. I do not find a permit for land in Section 13. Water Right No. 4407-3 covers land in Section 23 and 24, T97N, R67W. Is this land that you operate for someone else?

I also found that we have not been sending you an irrigation questionnaire for Water Right No. 5808-3 listed in your name. A copy of the water right is enclosed for your review. I have included a questionnaire for that land. Please review the water right and complete the questionnaire with any information you have for the crop year 2006.

Enclosed is a postage paid envelope for your use in returning the irrigation questionnaire for Water Right No. 5808-3. If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 18, 2008

NOTICE

TO: DAN MERKWAN, BOX 50, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 684-3, 1415-3B, 1415-3C & 4407-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5808-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5808-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 684-3, 1415-3B, 1415-3C & 4407-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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

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

5808-3

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FOIA

United States Postal Service
Washington, DC 20262United States Postal Service
Washington, DC 20262

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 4803

DAN MERKWAN
BOX 50
GEDDES SD 57342

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2008

Dan Merkwan
Box 50
Geddes SD 57342

RE: Water Permit or Right Nos. 684-3, 1415-3B, 1415-3C, 4407-3 & 5808-3

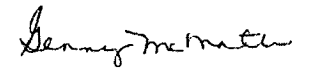
Dear Mr. Merkwan:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Permit or Right Nos. 684-3, 1415-3B, 1415-3C, 4407-3 & 5808-3.

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

If you have any questions, please contact me.

Sincerely,


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



5808-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 22, 2010

NOTICE

TO: DAN MERKWAN, BOX 50, GEDDES, SD 57342
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 684-3, 1415-3B, 1415-3C & 4407-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5808-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5808-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 684-3, 1415-3B, 1415-3C & 4407-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 9907DAN MERKWAN
BOX 50
GEDDES SD 57342Waiver of Signature ☐ YES ☐ NOPostmark
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www.state.sd.us/denr

February 1, 2010

Dan Merkwan
Box 50
Geddes SD 57342

RE: 2009 Irrigation Questionnaires for Water Right Nos. 684-3, 1415-3B, 1415-3C, 4407-3 and 5808-3

Dear Mr. Merkwan:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 684-3, 1415-3B, 1415-3C, 4407-3 and 5808-3.

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

If you have any questions, please contact me.

Sincerely,

A handwritten signature in 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



**DEPARTMENT of ENVIRONMENT
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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

December 20, 2012

5808-3

Dan Merkwan
Box 50
Geddes SD 57342

Dear Mr. Merkwan:

I am writing in follow-up to our phone conversation and your irrigation questionnaire pertaining to Water Permit No. 5808-3.

It is my understanding that you are no longer irrigating acreage described in Water Permit No. 5808-3 and would like to apply to change the acreage to other land. Your current permit authorizes irrigation of 136 acres. I note from the irrigation questionnaire that you are now irrigating additional acreage as well.

The change and/or addition of acres can be handled in one permit application. Enclosed is a set of application forms and instruction sheet. If you have any questions concerning the application process, please contact Eric Gronlund with our program at (605) 773-3352.

Sincerely,

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

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

enclosures



5808-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: DAN MERKWAN, BOX 50, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaires

Our records indicate that the 2013 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 4407-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5808-3 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5808-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 4407-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

5808-3



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www.denr.sd.gov

February 13, 2014

4407-3
5808-3

Dan Merkwan
Box 50
Geddes SD 57342

Dear Mr. Merkwan:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right Nos. 4407-3 and 5808-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

With reference to the additional land you wrote in on the form that is being irrigated, I have reviewed the files and was unable to find a water permit on file authorizing irrigation of that land. Enclosed is a set of application forms for your use in making an application for the additional land.

If you need assistance in completing the water permit applications forms, please contact Eric Gronlund in our program at (605) 773-3352.

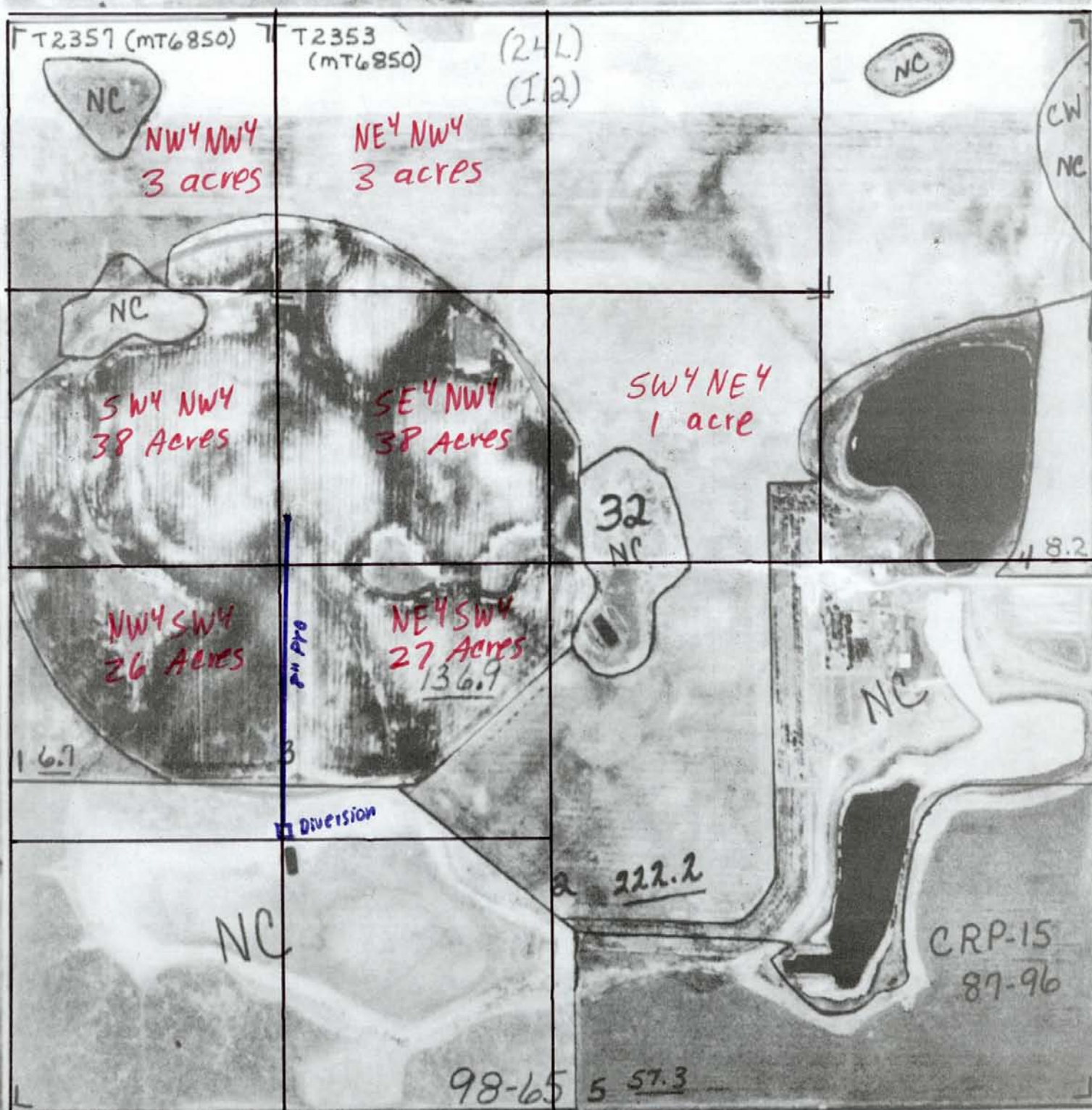
Sincerely,

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

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

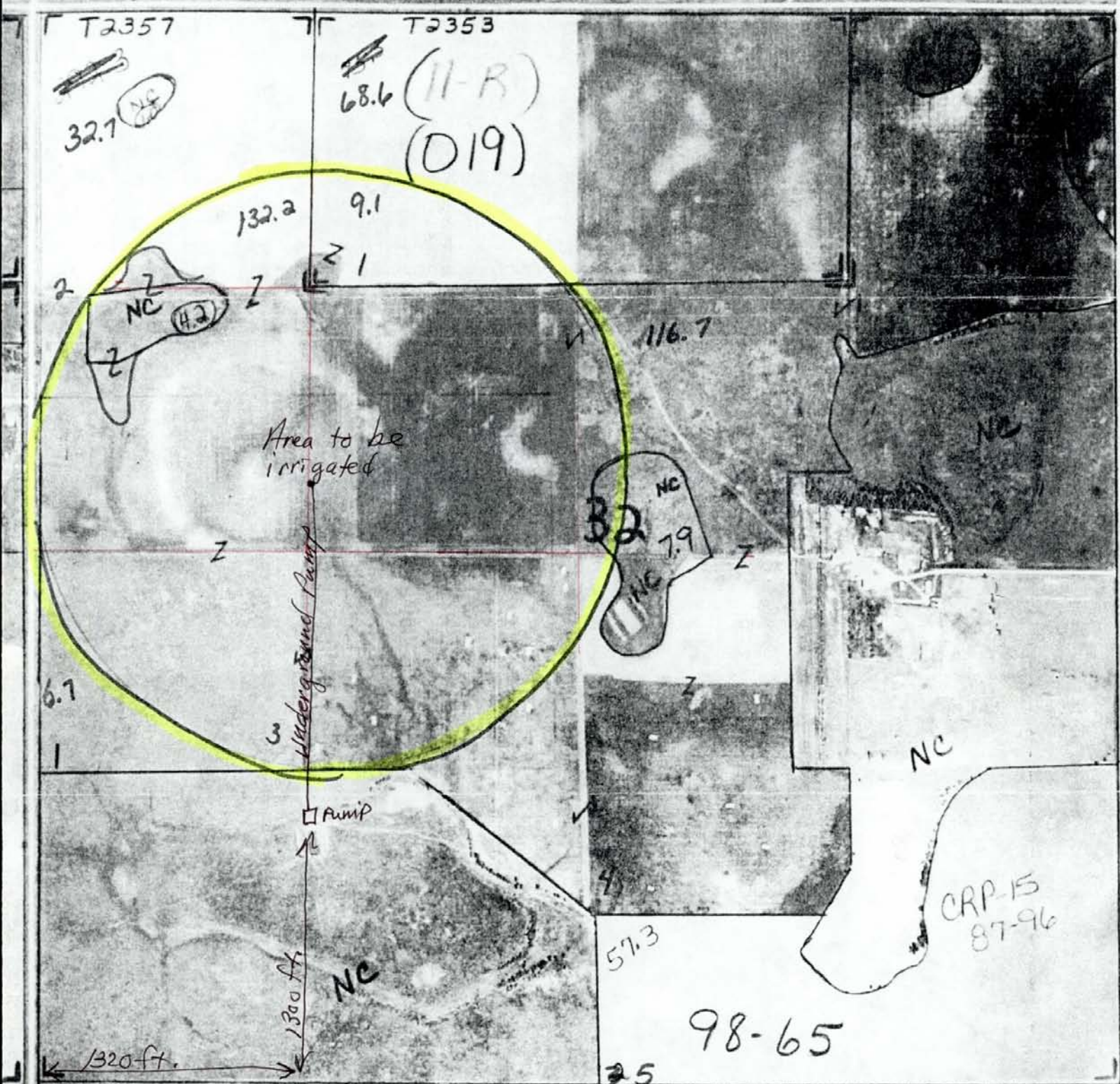
enclosures

NOT TO SCALE



T581
 Barry McLaury *Barry A. McLaury*
 Environmental Scientist
 Division of Water Rights
 Date 11-9-95

NOT TO SCALE



43.6 T581 Pump located about 1320 feet East and 1300 feet North of Southwest corner Sec. 32 Twp. 98 Rge 65 Charles Mix Co. SD De Smet, SD Sec 30 & 31 Twp. 98 Rge 65 Charles Mix Co. SD

45.2 T4483 (11-R)

62.2

