

Assigned on: 11-15-94 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. 5839-3 Hydrologic Unit 10170101
Basin Missouri River
Newspaper Wagner Post, Box 187, Wagner
(office use only)



Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No. 5176-3
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)
Add Acreage - Add C.F.S.

- Name of Applicant Mark Wiechmann Phone 384-5130
(check one) X Owner Tenant/lessee
Mailing Address RR # 2 Box 24B Armour State SD 57313
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed Add 1.77 *CFS or **GPM ***AF Total Acreage Add 132
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply 160' deep well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Approximate Center of SE 1/4 Sec 21-97-63 (NE 1/4 SW 1/4)
County Charles Mix
- County or counties where water will be used Charles Mix
- Annual period during which water is to be used 4/1 to 11/1
- 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
<u>NW 1/4 of NW 1/4 Sec 21-97-63</u>	<u>32</u>
<u>NE 1/4 of NW 1/4 Sec 21-97-63</u>	<u>32</u>
<u>SW 1/4 of NW 1/4 Sec 21-97-63</u>	<u>32</u>
<u>SE 1/4 of NW 1/4 Sec 21-97-63</u>	<u>32</u>

Land Description	Acres

- Give a description of the project. (Attach sheet if more space is needed)
To add The NW 1/4 of Sec 21-97-63 and 1.77 c.f.s. water To Permit 5176-3. Distribution To be Through center Pivot systems.

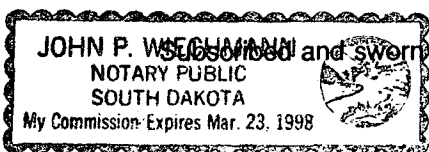
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Charles Mix)^{SS}

I, MARK WIECHMANN, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed Mark Wiechmann
day of Nov 1994



John P. Wiechmann
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5839-3**

Date of first receipt of application November 8, 1994.

Date of return to applicant for corrections, amendments or changes November 8, 1994.

Date of receipt of corrected application November 14, 1994.

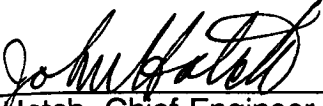
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5839-3 to Mark Wiechmann, RR 2, Box 24B, Armour SD 57313 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5839-3 appropriates 1.77 cubic feet of water per second from one existing well (Choteau West Aquifer) 166 feet deep located in the NE 1/4 SW 1/4 Section 21 to irrigate 132 acres located in the NW 1/4 Section 21; all in T97N-R63W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - November 1.
3. The date from which applicant may claim right is November 8, 1994.
4. The date of approval of Permit No. 5839-3 is January 27, 1995.
5. One-fifth of the construction is to be completed on or before July 27, 1997.
6. All construction is to be completed on or before January 27, 2000.
7. Water is to be put to beneficial use on or before January 27, 2004.
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. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAR 29 1995

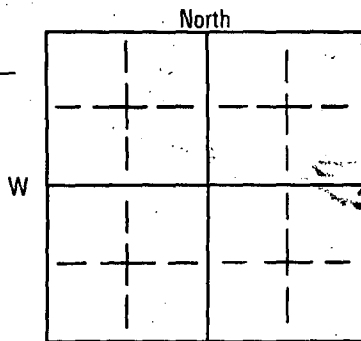
date

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 Sec 21 Twp 9798 Rg 63-4County Charles Mix

Please mark well location with an "X"



1 mile

Well Completion Date 5-12-85

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	0	130	25
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 20 FEETWhat is grouting material? CementIf cement, number of sacks? 50Describe grouting procedure line

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 16 IN Length 40 FEETMaterial PVC + Johnson SiltedSlot Size .58 Set From 130 Feet To 160 FeetSlot Size .60 Set From 150 Feet To 170 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Mark WieckmanAddress RR 1, Box 5731Well Log: RR 1 Armour

Depth

Formation	From	To
Top Soil	0	12
Blue Clay w/ fine sand streaks	12	40
Blue Clay	40	80
gravelly Blue Clay	80	97
Gravel	97	104
Clay & gravel	104	130
gravel & good sand	130	140
Clay	140	150
Med. to Coarse sand	150	166
sandy Clay	166	170

STATIC WATER LEVEL 50 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped _____☐ Bailed Describe: _____☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped 800 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Sullivan Well Drilling

Signature of License Representative:

Randy Sullivan

Signature of Well Owner:

Date _____

HURON DRILLING INC. DRILLERS LOG

Armour, SD

PAGE NO.

Mark Wiechmann
JOB NAME

LIX-21-97-63-Charles
Mix County
LOCATION

12-17-82
DATE

24
RIG NO.

John Guilford
FOREMAN

1	DEPTH	TIME	REMARKS
1	20		Yellow Clay
2	40		Blue Clay 6' 20
3	60		20-35 Sand & Gravel Streaks
4	80		Blue Clay
5	100		
6	120		125-138 Gravel & Boulders
7	140		
8	160		137-185 Fine Sand Good
9	180		185-195 Sand & Clay Streaks
10	200		195-200 Clay
11	220		200-215 Sand Streaks
12	240		215-240 Chale
13			
14			
15			

Armour, SD WELL REPORT

HURON
DRILLING CO.
Huron, S. D.

5706

Mark Wiechmann
OWNER

LIX-21-97-63
DESCRIPTION

Dec. 21, 1982
DATE

CASING LOG

Depth 187 ft.
Flows gpm 147 ft. 5" PVC Class pipe to 147 ft.
Pumps 1004 gpm 40 ft. 5" PVC Class pipe to 187 ft.
Head ft. 250 Slotted
40 ft. 5" PVC Class 250 Slotted Bottom pipe to ft.
Perforations ft. pipe to ft.

Pressure

147-187

REMARKS

3 Days
Drilling Time

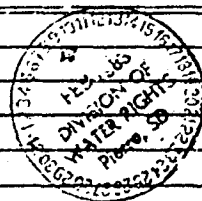
Used 5" Drag Bit Used 9-7/8" Gear Bit

Rig No. 24

500 lb. Cement

Used Centralizers

John Guilford
Foreman

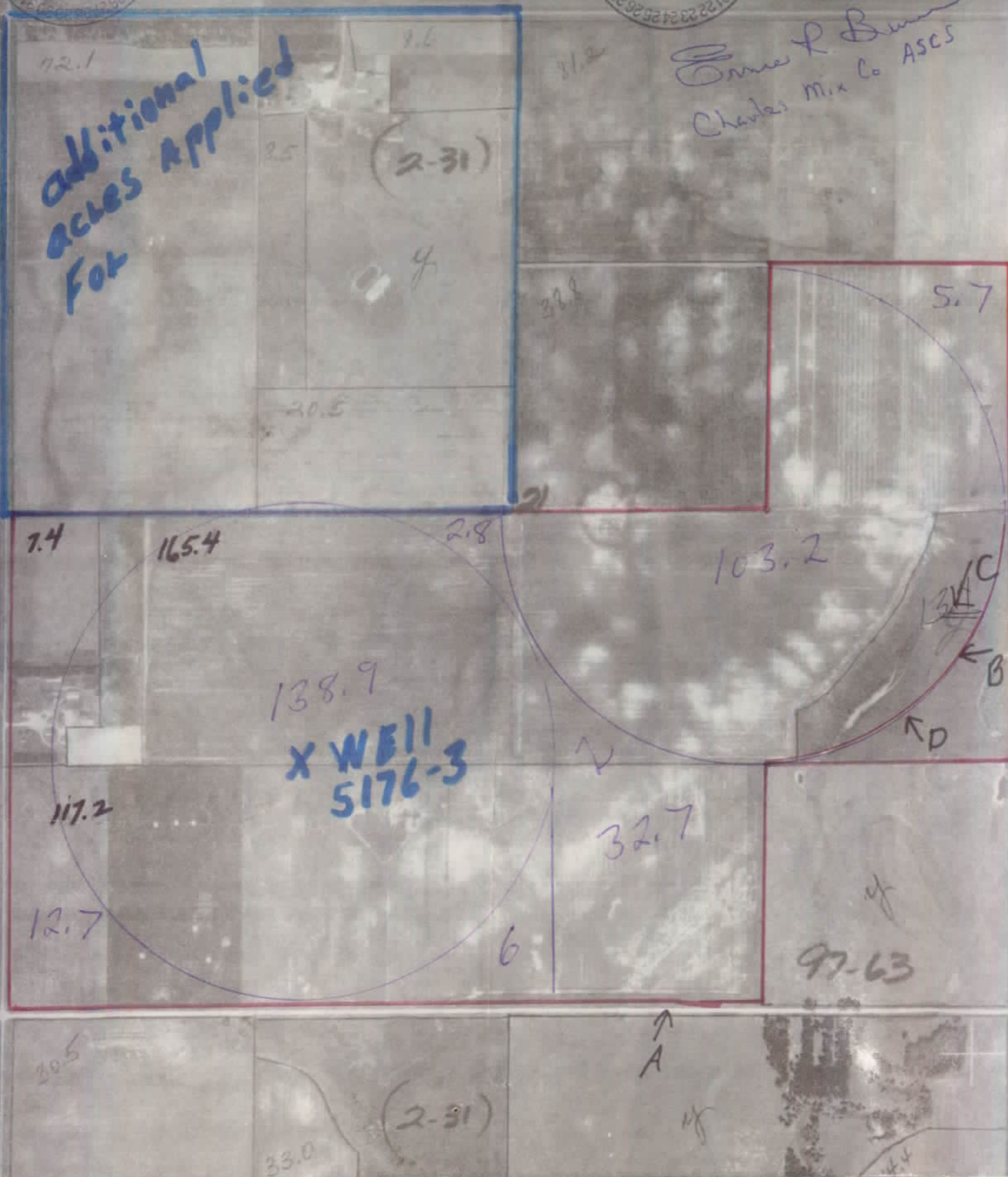


1979



Ernest R. Bunker P.A.
Charles Mix Co. ASGS

additional
acres Applied
For





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 8, 1994

Mark Wiechmann
RR 2, Box 24B
Armour SD 57313

Dear Mr. Wiechmann:

We received your Application for Permit to Appropriate Water today. The filing fee for this application will be \$250.00. This fee is based on the number of acres which you intend to irrigate.

Also, the map is being returned because it 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).

Upon receipt of the fee and signed map, further processing of the application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Environmental Scientist
605 773-3352

enclosures

RECEIPT

414319

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ November ~~8~~ 14, 19 94

RECEIVED OF Mark Wiechmann, RR 2 Box 24E, Armour SD 57315

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

Fee for Application for Permit No. <u>5839-3</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 Engineer

REPORT ON WATER PERMIT APPLICATION NO. 5839-3
for Mark Wiechmann
December 23, 1994

Application No. 5839-3 proposes to appropriate 1.77 cfs (800 gpm) from an existing well approximately 166 feet deep located in the NE 1/4 SW 1/4 of section 21 to irrigate 132 acres located in the NW 1/4 of section 21; all in T97N R63W in Charles Mix County.

AQUIFER - CHOTEAU WEST (CH-W)

The Choteau West is a buried glacial outwash (sand and gravel) and "western" origin stream deposits (Kume, 1977). The aquifer is confined and under artesian conditions. The aquifer underlies 169,600 acres and contains and estimated 1.2 million acre feet of recoverable water in storage in Charles Mix County (Hedges, 1982). The aquifer extends into Douglas and Hutchinson Counties to the north and east and in to Bon Homme County to the south and east.

The Division of Water Rights monitors 21 observation wells completed into the Choteau West aquifer in Charles Mix County. One of these observation wells (CM-80C) is located about 1 1/2 miles southeast of this application. Records are available from 1960 to present for this well and a copy of the hydrograph is included with this report. In general, the water level record for the Choteau West aquifer show good response to pumping and also reflect recharge. Water levels decline during the summer months because of irrigation withdrawals and gradually recover during the rest of the year. In addition to this obvious effect there is the subtle effect of recharge to the system represented by the gradually rising or declining conditions related to wet and dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1994).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

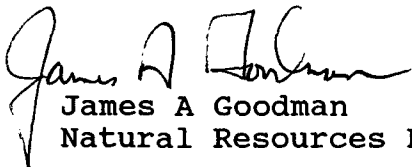
There are three existing irrigation wells located in a radius of about 2 miles of this application which obtain water from the Choteau West aquifer. All of these wells have been in existence for many years with no apparent problems. Overlapping drawdown does occur. Under existing conditions interference does not appear to be adverse and definitely does not impact water availability from the aquifer.

CONCLUSIONS

1. Water is available from the Choteau West aquifer.
2. Drawdown is occurring in this area as a result of pumping. The addition of this diversion will either increase the time of pumping or the actual rate of pumping. The applicant believes the existing well is capable of supplying two

centerpivots at the same time. This may be possible, but would require the installation a new pump on the production well. Even this, based upon the historical record should not cause adverse interference. The actual drawdown will increase due to this appropriation.

3. The existing well already supplies water under Water Right No. 5176-3 to two center pivots. This application would allow one of the other two existing pivots plus the one covered by this application to be irrigated at the same time. The diversion point is a single well and will be used for all diversions.
4. Soil water compatibility is no longer a requirement for obtaining an irrigation permit.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

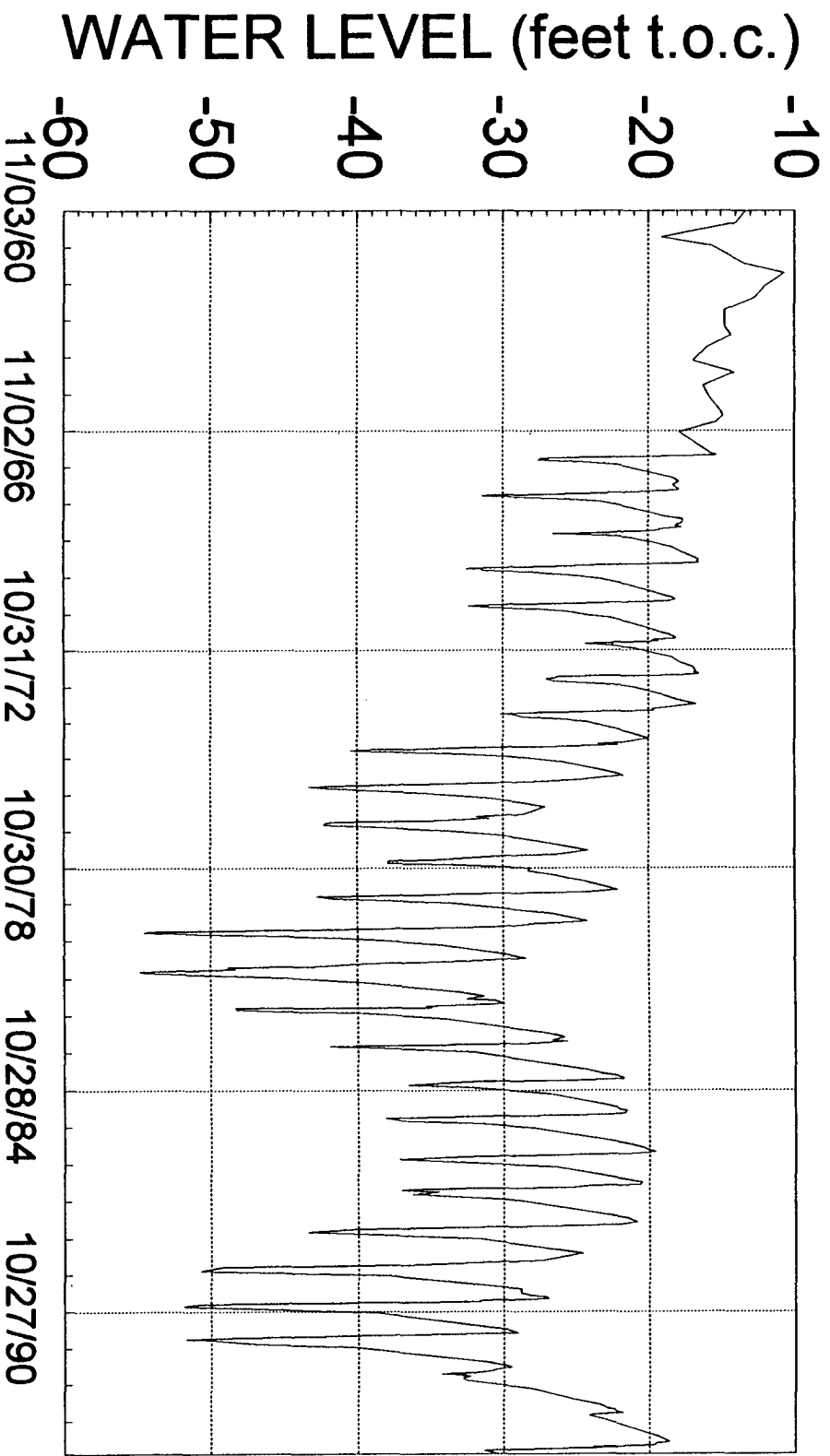
Hedges, L.S., etal, 1982, Evaluation of Ground Water Resources Eastern SD and Upper Big Sioux River South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, Part II Water Resources, USGS, Huron, SD, 57350.

Water Rights, 1994, Unpublished Observation Well Records for the Choteau West Aquifer, SD DENR, Division of Water Rights, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

CM-80C



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5839-3, Mark Wiechmann

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. 5839-3, Mark Wiechmann, RR 2 Box 24B, Armour, SD 57313.

The Chief Engineer is recommending APPROVAL of Application No. 5839-3 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:

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. 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
December 28, 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.**

January 4, 1995

Mark Wiechmann
RR 2 Box 24B
Armour, SD 57313

Dear Mr. Wiechmann:

Water Permit Application No. 5839-3 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 Wagner Post printed at Wagner, SD (Ph # 605-384-5616). 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

January 4, 1995

Wagner Post
Box 187
Wagner, SD 57380-0187

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5839-3 to be published twice. Please publish the first notice on January 10, 1995, 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 Mark Wiechmann, RR 2 Box 24B, Armour, SD 57313 (Ph # 605-384-5130).

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 January 10, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5839-3 to Appropriate Water

Notice is given that Mark Wiechmann, RR 2 Box 24B, Armour, SD 57313 has filed an application for a water permit to appropriate 1.77 cubic feet of water per second from one existing well (Choteau West Aquifer) 166 feet deep located in the NE 1/4 SW 1/4 Section 21 to irrigate 132 acres located in the NW 1/4 Section 21; all in T97N-R63W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5839-3 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 January 27, 1995.

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.

Public Notice**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA)
 County of Charles Mix) ss

I, Donald Harrell

certify that the attached printed Notice was

taken from the WAGNER POST

printed and published in WAGNER

County of Charles Mix and State of

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

Jan. 11, 1995

Jan. 18, 1995

Cost of Printing: \$16.82 & \$13.46

For total of \$30.28

Donald J. Harrell
 (Signature)

Publisher
 (Title)

January 18, 1995
 (Date Signed)



**NOTICE OF APPLICATION
 NO. 5839-3 to Appropriate
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 Pub: January 11, 18, 1995.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 29 1995

Mark Wiechmann
RR 2 Box 24B
Armour, SD 57313

Dear Mr. Wiechmann:

Enclosed is Water Permit No. 5839-3 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 11-19-98

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

FROM: Mark Wiechmann 28870 394 Ave Ahmoun, SD
(name) (address)
Ahmoun SD 57313 384-5130
(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. 5839-3

Water Permit No. 5839-3 states that the diversion system is to be constructed by 1-27-2000, and that the water is put to beneficial use by 1-27-2004.
(date) (date)

The diversion system was completed on 7-1-1995.
(date)

Applying the water to beneficial use was completed on 8-1-1995.
(date)

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

Mark Wiechmann
(signature)

Permit No. 5839-3
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, August 23, 2004, made a thorough examination of the water use system constructed by Mark Wiechmann of 28870 394th Ave, Armour SD 57313 holder of Permit Nos. 5839-3, 5176-3, 1632-3 & 1632-3A, bearing the priority of November 8, 1994 – No. 5839-3; March 16, 1988 – No. 5176-3; October 23, 1968 – Nos. 1632-3 & 1632-3A authorizing the diversion of 1.77 (5839-3) and 1.77 (5176-3, 1632-3, 1632-3A) cu. ft. per of the waters of ground water (Choteau West aquifer) for irrigation purposes, in Charles Mix County.

Inspection contact & relationship to permit holder, if applicable: **Mark Wiechmann, owner**

A. Works used to divert the water:

Well Information:

- 1) Pullman Drilling
- 2) No. of Wells 1
- 3) Depth(s) 170 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 130 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 40 feet
- 3) Static water level 50 ft

Pump:

- 1) Make Aurora
- 2) Capacity 800 GPM

Motor:

- 1) Make US Electrical
- 2) Horsepower 80 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 5,675 feet

C. Works used to apply water to beneficial use (can only operate one pivot at a time):

Center pivot #1 (SW¼):

- 1) Make Valley
- 2) Number of towers 11
- 3) End gun Y
- 4) High pressure
- 5) Capacity 800 GPM

Center pivot #2 (E½):

- 1) Make Valley
- 2) Number of towers 10
- 3) End gun Y
- 4) High pressure
- 5) Capacity 800 GPM

Center pivot #3 (NW¼):

- 1) Make Lindsey
- 2) Number of towers 10
- 3) End gun Y
- 4) Low pressure 40 psi
- 5) Capacity 800 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 electrical
- 7) Injection pump type 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

Report of Examination of Works

Permit No. 5839-3

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: none

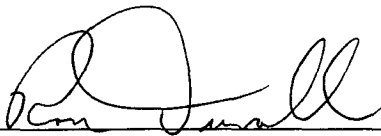
The system is in good condition with the point of diversion located as follows: Well: 1,325 feet N and 1,600 feet E from the SW corner section 21-T97N-R63W (NE $\frac{1}{4}$ SW $\frac{1}{4}$.) The works are capable of diverting and conveying to the place of use 1.77 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: all in section 21-T97N-R63W

NW $\frac{1}{4}$ SW $\frac{1}{4}$	27 acres, No. 1632-3 -- Oct 23, 1968	SE $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres, No. 1632-3 -- Oct 23, 1968
NE $\frac{1}{4}$ SW $\frac{1}{4}$	39 acres, "	SW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres, No. 5176-3 -- Mar 16, 1988
SW $\frac{1}{4}$ SW $\frac{1}{4}$	23 acres, "	NW $\frac{1}{4}$ NW $\frac{1}{4}$	33 acres, No. 5839-3 -- Nov 8, 1994
SE $\frac{1}{4}$ SW $\frac{1}{4}$	38 acres, "	NE $\frac{1}{4}$ NW $\frac{1}{4}$	26 acres, "
NW $\frac{1}{4}$ SE $\frac{1}{4}$	38 acres, "	SW $\frac{1}{4}$ NW $\frac{1}{4}$	33 acres, "
NE $\frac{1}{4}$ SE $\frac{1}{4}$	34 acres, "	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33 acres, "
SW $\frac{1}{4}$ SE $\frac{1}{4}$	6 acres, "		

comprising a total of 398 acres of land and the license should be issued for 1.77 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: **5176-3 which incorporates 1632-3 and 1632-3A. Water Right No. 5176-3 and 5839-3 should be incorporated into one license.**



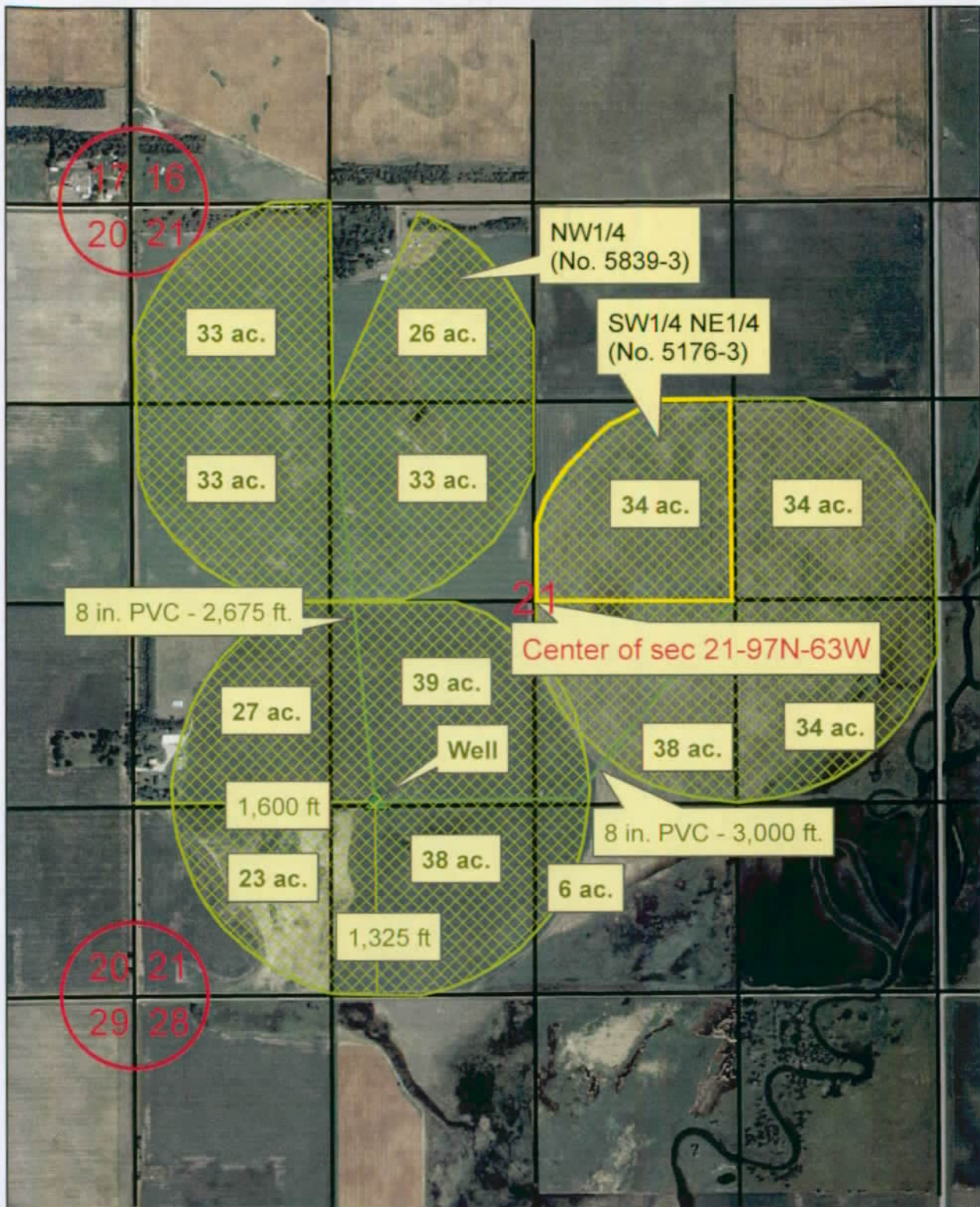
Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: September 10, 2004

Scale: 1 inch equals 992 feet

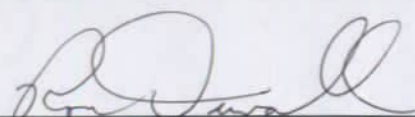
1,400

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:


Ron Duvall, Natural Resources Engineer
Water Rights Program

Date: Sep 8, 2004

Water Right No. 5839-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 14, 2004

5839-3

Mark Wiechmann
28870 394th Ave
Armour SD 57313

Dear Mr. Wiechmann:

On August 23, 2004 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5839-3, was completed by Ron Duvall, 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

Date October 19, 2004

RECEIVED OF Mark Wiechmann, 28870 394th Ave., Armour SD 57313-6709

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>5839-3</u>		
Fee for Filing Transfer Form _____		
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.

001113

By

Darland Eide
Chief Engineer
gm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 19 2004

5839-3

Mark Wiechmann
28870 394th Ave
Armour SD 57313

Dear Mr. Wiechmann:

Enclosed is Water License No. 5839-3. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is a map of the area prepared by the staff engineer who conducted the field investigation.

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. 5839-3, 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

Note: The application portions of Water Right No. 5176-3 were incorporated into Water License No. 5839-3.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5839-3**

(1) Mark Wiechmann, 28870 394th Ave, Armour SD 57313 made Application No. 5839-3, November 8, 1994 for a water permit to divert 1.77 cubic feet of water per second from ground water (one existing well – Choteau West Aquifer), Charles Mix County, South Dakota for irrigation purposes. Permit No. 5839-3, with a priority date of November 8, 1994 was approved January 27, 1995 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 27, 2000 and for the application to beneficial use of water on or before January 27, 2004.

The land authorized for irrigation under Water Right No. 5176-3 and Water Permit No. 5839-3 are operated as one system utilizing the same well. The applicable portions of Water Right No. 5176-3 are incorporated into Water License No. 5839-3. The priority dates, as they pertain to the acreage irrigated, are described below.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Mark Wiechmann the holder and/or owner of Water Right No. 5839-3 is issued a license, bearing priority dates of October 23, 1968, March 16, 1988 and November 8, 1994 to appropriate 1.77 cubic feet of water per second from ground water (one well – Choteau West Aquifer) to irrigate 398 acres.

The diversion point is located 1,325'N & 1,600'E of the SW corner of Section 21, T97N, R63W (NE ¼ SW ¼).

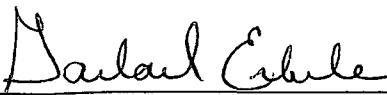
The 398 acres authorized for irrigation are as follows: all in **Section 21, T97N, R63W**

Legal Description		Priority date	Legal Description		Priority date
NW ¼ SW ¼	27 acres	October 23, 1968	SE ¼ NE ¼	34 acres	October 23, 1968
NE ¼ SW ¼	39 acres	October 23, 1968	SW ¼ NE ¼	34 acres	March 16, 1988
SW ¼ SW ¼	23 acres	October 23, 1968			
SE ¼ SW ¼	38 acres	October 23, 1968	NW ¼ NW ¼	33 acres	November 8, 1994
NW ¼ SE ¼	38 acres	October 23, 1968	NE ¼ NW ¼	26 acres	November 8, 1994
NE ¼ SE ¼	34 acres	October 23, 1968	SW ¼ NW ¼	33 acres	November 8, 1994
SW ¼ SE ¼	6 acres	October 23, 1968	SE ¼ NW ¼	33 acres	November 8, 1994

Priority dates: October 23, 1968 established under No. 1632-3; March 16, 1988 established under No. 5176-3 and November 8, 1994 established under No. 5839-3.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit Nos. 5176-3 and 5839-3 including the following qualifications:

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



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

NOV 19 2004

date





5839-3
**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 26, 2007

NOTICE

TO: MARK WIECHMANN, 28870 394TH AVE, ARMOUR, SD 57313 6709

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5839-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5839-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 5839-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, 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/E0455V5-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.

5839-3

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Label/Receipt Number: **2303 2160 0000 0799 6422**
Status: **Delivered**

Your item was delivered at 12:58 PM on January 29, 2007 in ARMOUR, SD 57313. The item was signed for by M WIECHMANN.

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 6422

MARK WIECHMANN
28870 394TH AVE
ARMOUR SD 57313 6709

Waiver of Signature ☐ YES ☐ NO

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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

February 5, 2007

5839-3

Mark Wiechmann
28870 394th Ave
Armour SD 57313 6709

Dear Mr. Wiechmann:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 5839-3.

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



5839-3
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, 2013

NOTICE

TO: MARK WIECHMANN, 28870 394TH AVE, ARMOUR, SD 57313 6709

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5839-3. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5839-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 5839-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2013

5839-3

Josh Wiechmann
29229 397th Ave
Armour SD 57313 6709

Dear Mr. Wiechmann:

I am writing to acknowledge receipt of the 2012 irrigation questionnaire for Water Right No. 5839-3. You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 5839-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

On the questionnaire you indicated that Mark was no longer the operator. The water right is actually listed in his name. I have enclosed a copy for your review. If you now own the land, the water right should be transferred to your name.

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 Mark still owns the land but you operate the irrigation system, the annual questionnaire could be sent directly to you and no ownership change would be needed. If this is the case, please let me know so I can edit the water right accordingly.

Sincerely,

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

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Clet Wiechmann

DATE: May 3, 2013

RE: ownership of 5839-3

COMMENTS:

Water Right No. 5839-3 is listed in Mark Wiechmann's name. In January, 2013 I mailed a transfer of ownership form to Josh Wiechmann because of a notation made on the 2012 irrigation questionnaire.

In response to a phone message I left for Josh Wiechmann, Clet called to clear up the issue. He indicated that Mark still owns the land – no ownership change needed. Josh (Clet's son) is farming the land. Send annual questionnaires to Josh and leave ownership under Mark's name.



Genny McMath
Water Rights Program

5839-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 28, 2013

5839-3

Josh Wiechmann
39388 291st St
Wagner SD 57380

Dear Mr. Wiechmann:

Enclosed is a "Notice" dated October 18, 2013 concerning the 2013 irrigation questionnaire.

The notice was originally mailed to 29229 397th Ave, Armour SD. The post office notified us the address was incorrect. I will update our records accordingly.

If you have any questions, please contact me.

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



5839-3
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 16, 2015

NOTICE

TO: JOSH WIECHMANN, OPERATOR, 39388 291st ST, WAGNER, SD 57380
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5839-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5839-3 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 4, 2015** 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) 5839-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: Mark Wiechmann, 28870 394th Ave, Armour SD 57313

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.



5839-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 2, 2015

311-3
5839-3

Clet Wiechmann
39388 291st St
Wagner SD 57380 6938

Dear Mr. Wiechmann:

I am writing to acknowledge receipt of information for the 2014 irrigation questionnaires for Water Right Nos. 311-3 and 5839-3. I completed forms for you based on our phone conversation.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 311-3 and 5839-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Josh Wiechmann, 29229 397th Ave, Wagner SD 57380
Mark Wiechmann, 28870 394th Ave, Armour SD 57313
Paul Wiechmann, 29082 395th Ave, Wagner SD 57380