

WATER PERMIT NO. 5911-3

Name of Applicant: **John Ulmer**

Address: **Rt 1, Box 109, Menno SD 57045**

Phone: **605 387-5660**

Amount of Water Claimed: **1.78 cfs**

Total Acres: **160 acres**

Source of Water Supply: **groundwater**

Water to be used for: **irrigation**

County: **Hutchinson**

Type of Waste Disposal System: **NA**

Location: **4 miles south of Menno**

PRIORITY

Date Received: **2-27-96**

Fee: **\$250.00**

Corrected Application Received:

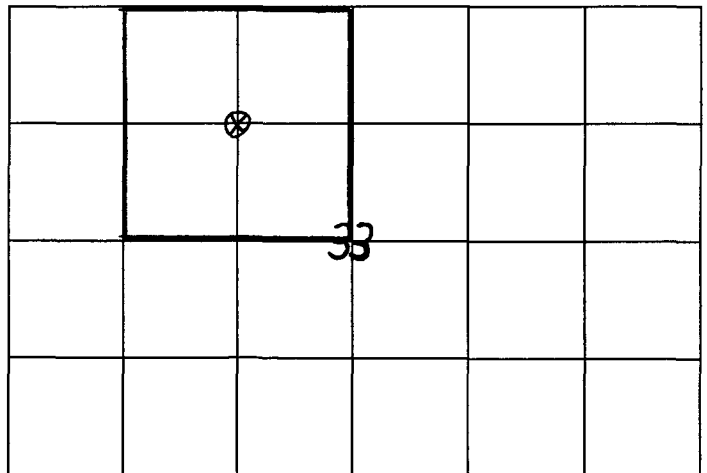
Period of Annual Use: **May 1 - September 30**

Remarks:

Diversion Point: **center of NW 1/4 Sec 33-**

T97N-R57W

Land to be Irrigated: **NW 1/4 Sec 33-T97N-R57W**



Depth of Well: **230 feet deep**

Well Driller: **Christensen Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Robert C. Remmers**

Reviewed and the Number Assigned on: **2-27-96**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>5911-3</u>	Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Freeman Courier, Freeman, SD</u>	

**Application For Permit To Appropriate Water For Irrigation**

Type of Application: ☒ 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.) _____

1. Name of Applicant John Ulmer ☒ Owner ☐ Tenant/Lessee Phone 605-387-5660
 (check one)
- Mailing Address Rt 1 Box 109 Menno State S.D. 57045
 (Street, RR, or Box) (Zip Code)
2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 160
 (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) see attached map
Center of NW 1/4 Sec. 33-T97N-R57W County Hutchinson
5. County or counties where water will be used Hutchinson
6. Annual period during which water is to be used June - July - August - Sept - May 1 - Sept 30
7. List below each forty acre division, 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
NW 1/4 NW 1/4 33, 97, 57	40		
NE 1/4 NW 1/4 33, 97, 57	40		
SW 1/4 NW 1/4 33, 97, 57	40		
SE 1/4 NW 1/4 33, 97, 57	<u>40</u>		

8. Give a description of the project. (Attach sheet if more space is needed)

Drill new well and erect center pivot system for 1994
Season

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 Hutchinson ss

I, John Ulmer, 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 John Ulmer

Subscribed and sworn to before me this 26th day of Feb 19 96

Gary S. Schutte
 Notary Public

SOUTH DAKOTA
WATER PERMIT NO. 5911-3 FOR IRRIGATION

Date of first receipt of application February 27, 1996.

The Water Management Board approved Water Permit Application No. 5911-3 on May 1, 1996 for John Ulmer, Rt 1, Box 109, Menno SD 57045 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. 5911-3 appropriates 1.78 cubic feet of water per second from one well (Lower James Missouri Aquifer) 218 feet deep located in the center of the NW 1/4 Section 33 to irrigate 160 acres located in the NW 1/4 Section 33; all in T97N-R57W.
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 - September 30.
3. The date from which applicant may claim right is February 27, 1996.
4. One-fifth of the construction is to be completed on or before November 1, 1998.
5. All construction is to be completed on or before May 1, 2001.
6. Water is to be put to beneficial use on or before May 1, 2005.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 5911-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUL 2 1996

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type PVC Diameter 18" Thickness _____
- c) Screen Type SS Diameter 18" 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 1 mile

See Attached Sheet
test hole

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.



3. Dugout Information

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

4. 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

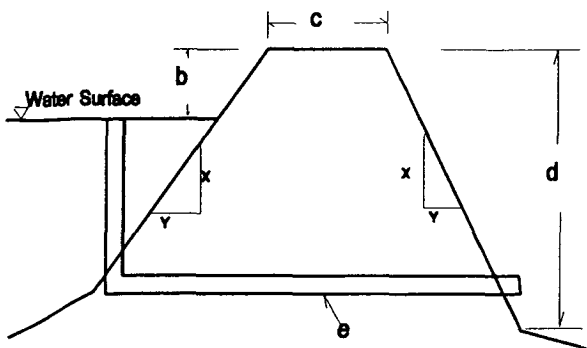
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



John Ulmer



STATIC WATER LEVEL	
FLOWING WATER LEVEL	
ANNUAL THICKNESS	
SCREEN LENGTH	
SLOT SIZE	
FITTING - TOP	
FITTING - BOTTOM	
William J. Chatterbox	
DIGRESS # 444	
TOTAL DEPTH	230



07-92

Date:

RECEIPT

414821

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 27, 19 96

RECEIVED OF Ulmer Farms, John or Cheryl Ulmer, RR 1, Box 109, Menno, SD 57045

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

Fee for Application for Permit No. <u>5911-3</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 H. H. H. H.
Chief Engineer

REPORT ON WATER PERMIT APPLICATION NO. 5911-3
for John Ulmer
March 7, 1996

Application No. 5911-3 proposes to appropriate 1.78 cfs (800 gpm) from one well approximately 218 feet deep located in the center of the NW 1/4 of section 33 to irrigate 160 acres located in the NW 1/4 of section 33; all in T97N R57W in Hutchinson County.

AQUIFER - LOWER JAMES MISSOURI (LJM)

The Lower James Missouri is a buried glacial outwash (sand and gravel) which is under predominantly water table conditions in this area. However, there are areas where the aquifer would be under slight artesian conditions. The aquifer underlies 268 square miles and contains an estimated 2.367 million acre feet of water in storage in Hutchinson County (Lindgren, 1990). The aquifer is hydraulically connected to the James River, to the Niobrara formation and extends into Yankton County to the south. Ground water movement is from northeast to southwest toward the James River in the area of this application. The driller's log submitted with the application indicates sand and clay from 110 to 157 feet with sand and gravel from 157 to 218 feet below land surface.

The Water Rights Program monitors an observation well YA-80Q which is located within one mile of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996). A hydrograph for this well is included with this report.

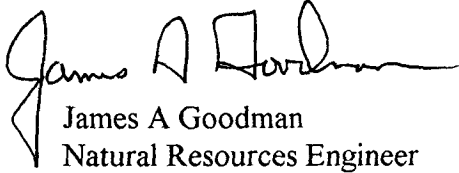
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The closest existing water permits/rights are Water Right No. 5457-3 and Water Permit No. 5456-3 and are located about one mile northwest and one mile northeast respectively from this application. Interference is not a concern. Drawdown caused by pumping does not extend very far from individual production wells in this aquifer. The observation well hydrograph verifies this conclusion.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. The aquifer is buried and under water table conditions. Drawdown is not expected to be significant. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.

4. This area has generated controversy in the past. Other irrigation permits in this area were contested because of possible affects upon domestic water supplies. However, development has not caused adverse effects upon area domestic users and no complaints have been received.



James A Goodman
Natural Resources Engineer

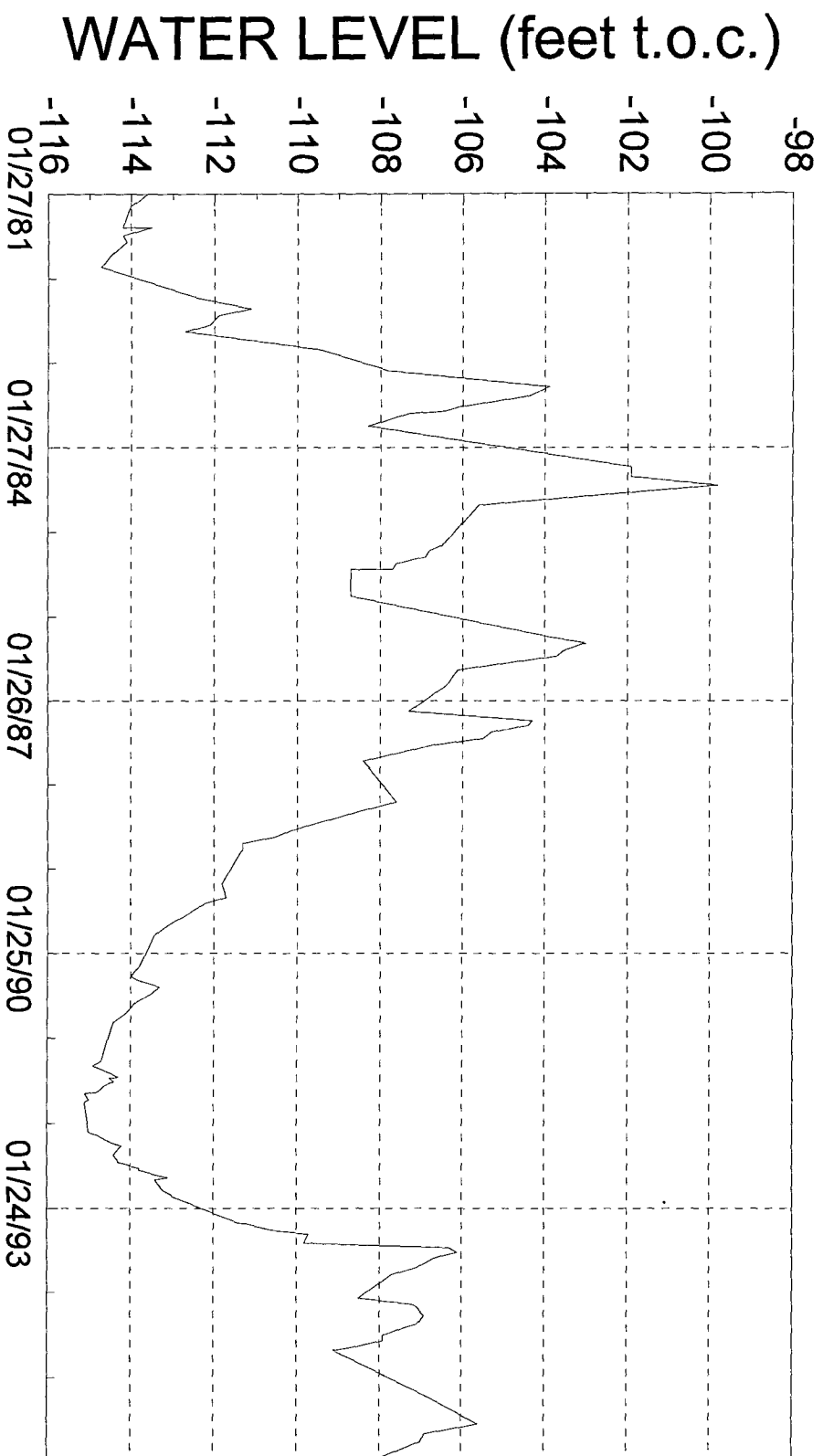
BIBLIOGRAPHY

Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, USGS Water-Resources Investigations Report 90-4093, Huron, SD, 57350.

Water Rights, 1996, Unpublished Observation Well Records for the Lower James Missouri Aquifer, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

YA-80Q



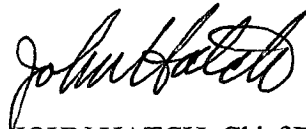
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5911-1, John Ulmer**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5911-3, John Ulmer, RR 1, Box 109, Menno, SD 57045.

The Chief Engineer is recommending APPROVAL of Application No. 5911-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 5911-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
March 11, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 13, 1996

John Ulmer
Rt 1, Box 109
Menno, SD 57045

Dear Mr. Ulmer:

Water Permit Application Nos. 5911-3 and 5912-3 for irrigation use have 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 Freeman Courier printed at Freeman, SD (Ph # (605) 925-7033). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 13, 1996

Freeman Courier
Box 950
Freeman, SD 57029-0950

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5911-3 and 5912-3 to be published twice. Please publish the first notice on March 20, 1996, 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 John Ulmer, Rt 1, Box 109, Menno, SD 57045 (Ph # (605) 387-5660).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on March 20, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application Nos. 5911-3 and 5912-3 to Appropriate Water

Notice is given that John Ulmer, Rt 1, Box 109, Menno, SD 57045 has filed the following water permit applications:

Water Permit Application No. 5911-3 appropriates 1.78 cubic feet of water per second (cfs) from one well (Lower James Missouri Aquifer) 218 feet deep located in the center of the NW 1/4 Section 33 to irrigate 160 acres located in the NW 1/4 Section 33; all in T97N-R57W.

Water Permit Application No. 5912-3 appropriates 1.78 cfs from one well (Lower James Missouri Aquifer) 115 feet deep located in the NW 1/4 NE 1/4 Section 14 to irrigate 148 acres located in Lot 5, Lot 10 and the SW 1/4 SE 1/4 Section 11 and Lot 1 and the NW 1/4 NE 1/4 Section 14; all in T97N-R58W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5911-3 and 5912-3 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.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 19, 1996. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

The Water Management Board will consider these applications at 10:00 a.m., May 1, 1996, Education Center Room - Third Floor, First Dakota National Bank, 225 Cedar Street, Yankton, SD. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. The May 1, 1996, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by April 19, 1996.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 19, 1996,, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hutchinson) SS

1. Jim L. Waltner

certify that the attached printed Notice was
taken from the Freeman Courier

printed and published in Freeman
County of Hutchinson and State of

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

Mar. 27, 1996

April 3, 1996

Cost of Printing: 56.51

Jim L. Walt
(Signature)

Publisher
(Title)

4-15-96
(Date Signed)

Notice of Hearing on Application Nos. 5911-3 and 5912-3 to Appropriate Water

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Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 19, 1996, at the above Water Rights Program address to request copies of information pertaining to these applications, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 through 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

John Ulmer
Rt 1, Box 109
Menno, SD 57045

Dear Mr. Ulmer:

Enclosed are Water Permit Nos. 5911-3 and 5912-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

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 Licenses may be issued, thus completing your acquisition of the Water Rights.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permits usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



5911-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: JOHN ULMER
42963 MAXWELL ROAD
MENNO SD 57045

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

RE: Failure to Report Chemical Use under Water Permit No(s) 5457-3 & 5911-3

The first notice to file chemigation report(s) for Permit No(s) 5457-3 & 5911-3 was dated 12/23/96. Our records indicate that we have not received the 1996 chemigation report for Permits No(s) 5457-3 & 5911-3. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 5457-3 & 5911-3 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 chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 1997

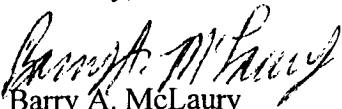
JOHN ULMER
42963 MAXWELL ROAD
MENNO SD 57045

Dear Mr. Ulmer:

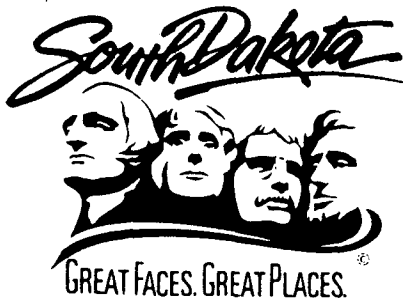
I am writing to acknowledge receipt of your 1996 chemigation questionnaires. You may disregard the February 4, 1997 notice of "Failure To Submit Chemigation Questionnaire." The questionnaires have been received and your name has been deleted from the Water Management Board agenda.

If you have any questions, please contact me at 605-773-3352.

Sincerely,


Barry A. McLaury
Water Rights Program

5911-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: JOHN ULMER, 42963 MAXWELL RD, MENNO SD 57045

**FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**

RE: Requirement to Report 1997 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) **5457-3 & 5911-3** was dated October 17, 1997. Our records indicate that we have not received your 1997 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1997 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application

The hearing will be held at 9:45 am, February 25, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). **5457-3 & 5911-3** 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. Prior to February 20, 1998, contact the Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to February 20, 1998 you will no longer be in violation and your name will be deleted from the Board agenda.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: JOHN ULMER, 42963 MAXWELL RD, MENNO, SD 57045

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5392A-3, 5457-3, 5911-3 & 5912-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 5392A-3, 5457-3, 5911-3 & 5912-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 5392A-3, 5457-3, 5911-3 & 5912-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1998

John Ulmer
42963 Maxwell Rd
Menno, SD 57045

RE: Water Permit Nos. 5392A-3, 5457-3, 5911-3 and 5912-3

Dear Mr. Ulmer:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires and chemical reporting forms. You may disregard the January 9, 1998, "Notices" concerning reporting requirements for Water Permit Nos. 5392A-3, 5457-3, 5911-3 and 5912-3.

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

Permit No. 5911-3
James 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 9, 1999, made a thorough examination of the water use system constructed by John Ulmer of 42963 Maxwell Road, Menno SD 57045 holder of Permit No. 5911-3, bearing the priority of February 27, 1996 authorizing the diversion of 1.78 cu. ft. per second from the Lower James:Missouri Aquifer for irrigation purposes, in Hutchinson County.

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

- A. Works used to divert the water:
US Motor & Holioshaft (serial No. 1049908) power the water diversion
- B. Works used to transport water to place of use:
220 foot deep well is located at the center of pivot
- C. Works used to apply water to beneficial use:
7 tower Zimmatic center pivot

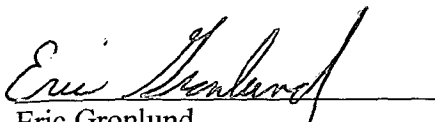
The system is in the following condition good. The point of diversion is located approximately 1,320 feet south and 1,320 feet east of the NW corner of Section 33, T97N, R57W. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

NW ¼ NW ¼ Section 33, T97N, R57W	33 acres
SW ¼ NW ¼ Section 33, T97N, R57W	33 acres
NE ¼ NW ¼ Section 33, T97N, R57W	20acres
SE ¼ NW ¼ Section 33, T97N, R57W	12 acres

comprising a total of 98 acres of land and the license should be issued for 1.40 cfs.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date Report Completed: November 9, 1999



Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5911-3, John Ulmer

DATE OF INVESTIGATION:	August 9, 1999
NAME & ADDRESS OF PERMIT HOLDER	John Ulmer 42963 Maxwell Road Menno SD 57045
DIVERSION POINT LEGAL LOCATION	approximately 1,320 feet south and 1,320 feet east of the NW corner of Section 33, T97N, R57W

WATER SUPPLY

Source: Lower James : Missouri Aquifer

Well Information:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells one
- 3) Depth(s) 220 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 16 inches
- 2) Length 170 feet
- 3) Type plastic Sch 40

Screen:

- 1) Type Manufactured PVC
- 2) Length 50 feet
- 3) Static water level 120 feet

Pump:

- 1) Make Holioshaft
- 2) Serial No. 1049908
- 3) Size #
- 4) Capacity 850 GPM

Motor:

- 1) Make U.S. Motor
- 2) Model No. _
- 3) Horsepower rating 70 hp
- 4) An Oliver tractor with PTO is used to power pump & a generator for wheel system (tractor not at pivot at time of licensing investigation)

SYSTEM TYPE:

Center pivot:

- 1) Make Zimmatic
- 2) Overall length 1,230 feet
- 3) Number of towers 7
- 4) End gun yes (100' throw)
- 5) High or low pressure low
- 6) Capacity approx. 800 GPM

CHEMIGATION EQUIPMENT:

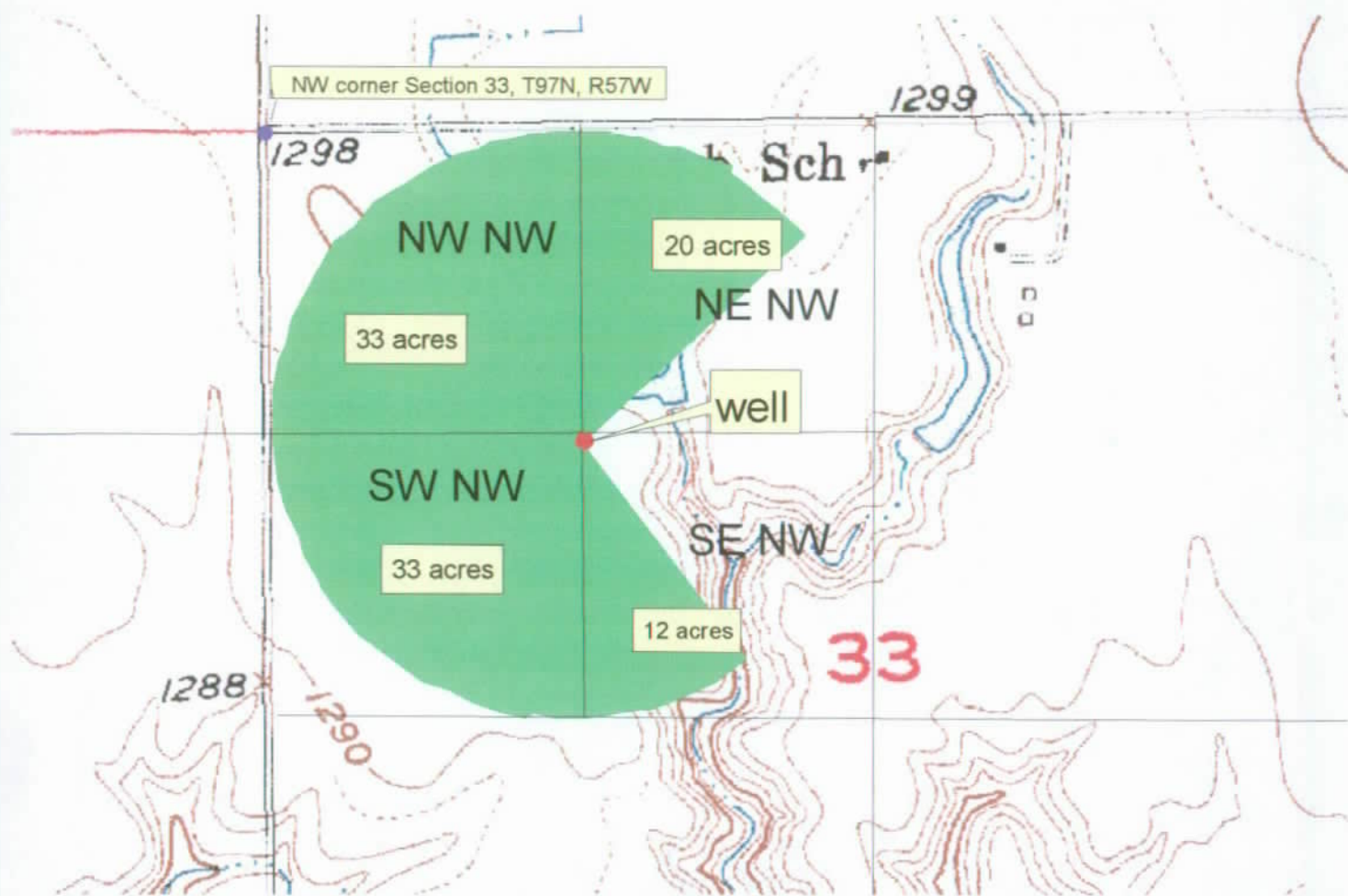
No Chemigation equipment on site at time of licensing investigation. A note on Mr. Ulmer's 1997 irrigation questionnaire indicates he may have intention to chemigate in the future

PERMIT QUALIFICATIONS AND REGULATIONS:

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

- ◆ According to Mr. Ulmer the pivot completes approximately 80% of a full circle due to a drainage way in the E $\frac{1}{2}$ NW $\frac{1}{4}$ (see map). By my calculation, I came up with approximately 78% of full rotation.
- ◆ The field was not planted and the irrigation system not in operation at time of investigation.
- ◆ The system as developed is capable of diverting greater than the 1 cfs/70 acres as allowed by law. This is attributed to the fact the center pivot does not complete a full rotation.

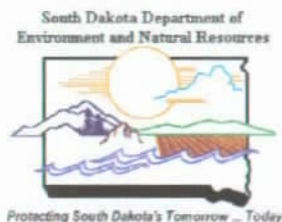
WATER PERMIT NO. 5911-3, JOHN ULMER



1000 0 1000 2000 Feet



Legal Description of the well - 1,320 feet south and
1,320 east of NW corner of Section 33, T97N, R57W



Eric Gronlund
Eric Gronlund
Water Rights Program
Licensing Investigation
Conducted - August 9, 1999

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5911-3

(1) John Ulmer, 42963 Maxwell Rd, Menno SD 57045 made Application No. 5911-3, February 27, 1996 for a water permit to divert 1.78 cubic feet of water per second from groundwater (one well), Hutchinson County, South Dakota for irrigation purposes. Permit No. 5911-3, with a priority date of February 27, 1996 was approved May 1, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 1, 2001 and for the application to beneficial use of said water on or before May 1, 2005.

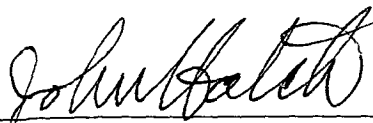
The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on December 15, 1999. The *Notice* stated the diversion system was completed and the water placed to beneficial use in 1996.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.40 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1,320 feet south and 1,320 feet east of the northwest corner of Section 33-T97N-R57W (center of NW 1/4).

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

Section 33-T97N-R57W	NW 1/4 NW 1/4	33 acres
	SW 1/4 NW 1/4	33 acres
	NE 1/4 NW 1/4	20 acres
	SE 1/4 NW 1/4	12 acres
Total 98 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 John Ulmer, 42963 Maxwell Dr., Menno SD 57045 the holder and/or owner of Water Right No. 5911-3 is issued a license to appropriate water, the right to use 1.40 cubic feet of water per second from groundwater (one well) with a priority date of February 27, 1996 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 5911-3 and subject to South Dakota State Law.



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

DEC 30 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 16, 1999

5392A-3
5911-3

John Ulmer
Rt 1, Box 109
Menno, SD 57045

Dear Mr. Ulmer:

The investigation of your water use systems was conducted on August 9, 1999, by Eric Gronlund, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit Nos. 5392A-3 and 5911-3. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license (\$100.00 total) for the investigation and issuance of the Water Licenses. Upon receipt of the \$50.00 fee per license from you (\$100.00 total), we will begin processing your Water Licenses.

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

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416297

Pierre, December 15, 19 00

RECEIVED OF John Ulmer, 42963 Maxwell Rd., Kenne, SD 57045
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 5911-3 _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

Chief Engineer

John Hatch

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

Date 12-9-99

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



FROM: John Ulmer
(name)

42963 Maxwell Rd
(address)

Menno SD 57045
(city, state, zip)

605-387-5660
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

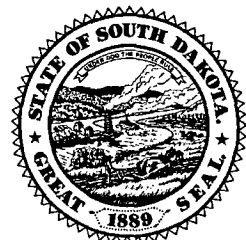
Water Permit No. 5911-3 states that the water use system is to be constructed by May 1, 2001 (date), and water is to be put to beneficial use by May 1, 2005 (date).

The water use system was completed on to be installed in spring (date)

Applying the water to beneficial use was completed on _____ (date)

You may schedule an investigation so that the water license may be issued.

John Ulmer
(signature)



7-98

12/14/99 I called Mr. Ulmer to find out when the system was installed for 5911-3 (NW 1/4 33) - he said 1996. He mixed up permit #'s when filling out this form. George



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 30 1999

5392A-3
5911-3

John Ulmer
42963 Maxwell Dr.
Menno, SD 57045

Dear Mr. Ulmer:

Enclosed are Water License Nos. 5392A-3 and 5911-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 416296 and 416297 in the amount of \$50.00 each which you paid for the investigation and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 5392A-3 and 5911-3, 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 Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

ks
enclosures

Note: The applicable portions of Water Permit No. 5392-3 are incorporated into this Water License No. 5392A-3.