

WATER PERMIT NO. 5921-3

Name of Applicant: Clinton C. Bauer

Address: 27825 431 Ave, Freeman SD 57029

Phone: 605 925-7250

Amount of Water Claimed: no add'l

Total Acres: 80 acres

Source of Water Supply: dry draw dam

Water to be used for: irrigation

County: Hutchinson

Type of Waste Disposal System: NA

Location: 6 miles west of Freeman

PRIORITY

Date Received: 4-15-96

Fee: \$225.00

Corrected Application Received:

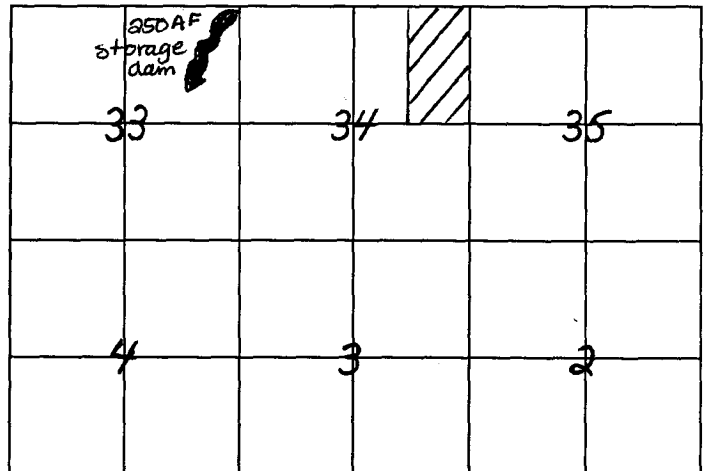
Period of Annual Use: April 1 - October 1

Remarks: Going to appropriate water from a 250 AF storage dam authorized by Water Right No. 2746A-3.

Diversion Point: SE 1/4 NE 1/4

Sec 33-T99N-R57W

Land to be Irrigated: W 1/2 NE 1/4 Sec 34-T99N-R57W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Robert A. Kemolt

Reviewed and the Number Assigned on: 4-15-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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

2746-3 828
4/4/96

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5921-3</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. 2746-3
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)
Sec. 34 - Twp 99 - RANGE 57 ~~SW 1/4 NE 1/4~~
E 1/2 NW 1/4

- Name of Applicant Clinton C. Bauer ☒ Owner ☐ Tenant/Lessee Phone 605-925-7250
(check one)
Mailing Address 27825-431 Ave Freeman State So. Dak. 57029
(Street, RR, or Box) no add'l (Zip Code)
- Amount of water claimed *CFS or ~~250~~ **GPM 250 ***AF Total Acreage 80
(**Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable
- Source of water supply Dry draw dam (Robert G. Kimmel PC)
- Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) SE 1/4 NE 1/4 (diversion pt identified on 2746A-3)
E 1/2 NE 1/4 Sec. 33 Twp 99N-R57W County Hutchinson
Storage dam
- County or counties where water will be used Hutchinson
- Annual period during which water is to be used April 1 - Oct 1 Irrigation
Jan 1 - Dec 31 - Storage dam
- 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
Sec. 34 - Twp 99 - Range 57 SW 1/4 NE 1/4	80	This is only an addition to permit #	2746-3
<u>E 1/2 NW 1/4</u>			

8. Give a description of the project. (Attach sheet if more space is needed)
This is only an application to use water already stored, onto additional 80A. of chop land. No other structures will be constructed. This dry draw dam has been in use since the late 70's.

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) ss
County of Hutchinson

I, Clinton C. Bauer, 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 Clinton C. Bauer
Subscribed and sworn to before me this 12th day of April 19 96
Donna D. Atter
Notary Public
Exp. date 2-8-03

SOUTH DAKOTA
WATER PERMIT NO. 5921-3

Date of first receipt of application April 15, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5921-3 to Clinton C. Bauer, 27825 431 Ave, Freeman SD 57029 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. 5921-3 authorizes irrigation of 80 additional acres. Water Right No. 2746A-3 appropriates 1.33 cubic feet of water per second from a 250 acre-feet storage dam located in the E 1/2 NE 1/4 Section 33 to irrigate 174 acres located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 33 and the W 1/2 NW 1/4, W 1/2 SW 1/4 Section 34; all in T99N-R57W. This permit irrigates 80 additional acres located in the E 1/2 NW 1/4 Section 34-T99N-R57W from the existing storage dam. This permit does not authorize any increase in the diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 1 for irrigation and January 1 - December 31 for storage of water in dam.
3. The date from which applicant may claim right is April 15, 1996.
4. The date of approval of Permit No. 5921-3 is June 10, 1996.
5. One-fifth of the construction is to be completed on or before December 10, 1998.
6. All construction is to be completed on or before June 10, 2001.
7. Water is to be put to beneficial use on or before June 10, 2005.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

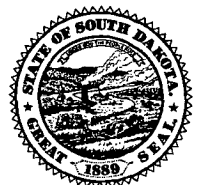
1. Water Permit No. 5921-3 and Water Right No. 2746A-3 authorize a dam with storage capacity of 250 acre-feet of water.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 27 1996

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

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



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) _____

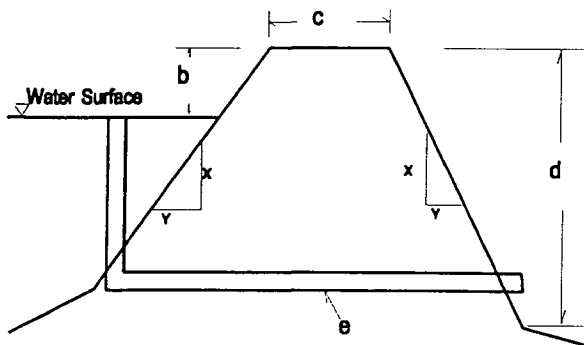


same as permit
No# 2746-3

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

Same
as
permit

No# 2746-3

RECEIPT

414906

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 15, 19 96

RECEIVED OF Clinton or Darlene Bauer, 47825 - 431st Ave., Freeman, SD 57029

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

Fee for Application for Permit No. <u>5921-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	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	225 00

By John Hatch (RE)
Chief Engineer

NOT TO SCALE

77-5

70.9
①

CORN

38.9 T617
①

48.9
④

34

Water Supply
Same as W $\frac{1}{2}$ NW $\frac{1}{4}$
34-99-57

Refert a Kumb
District Conservationist

40 T610

35-L
G-15

7.8
②

3.2
③

65.5
①

CORN

ALFA

31.0 T3532
①

15 HEL
②

99-57

7.6 T632

30.9
②

30.7
③

5921-3

NOT TO SCALE



File No. 5921-3

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Clinton C. Bauer

ADDRESS: 27825 431 Ave. Freeman, SD 57029

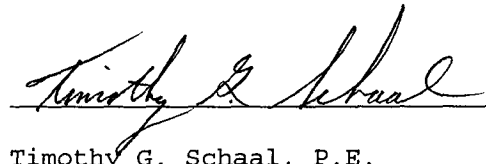
COUNTY: Hutchinson

DATE: April 29, 1996

TELEPHONE: (605) 925-7250

RE: Change in land description on Application No. 5921-3

I called Mr. Bauer today and talked to him about the description of the additional 80 acres he proposes to irrigate under Water Permit Application No. 5921-3. He said he intends to irrigate the E 1/2 NW 1/4 of Section 34-T99N-R57W not the W 1/2 NE 1/4 as put on the application.

A handwritten signature in cursive script, reading "Timothy G. Schaal", is written over a horizontal line.

Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program

REPORT ON
WATER PERMIT APPLICATION No. 5921-3
Clinton C. Bauer
April 29, 1996

Water Permit Application No. 5921-3 has been filed by Clinton C. Bauer to irrigate an additional 80 acres from an existing 250 acre-foot storage dam authorized under Water Right No 2746A-3. The storage dam is located in the SE 1/4 NE 1/4 of Section 33-T99N-R57W on an unnamed tributary to the James River, in Hutchinson County. The additional 80 acres of irrigation will be located in the E 1/2 NW 1/4 of Section 34-T99N-R57W. This application does not authorize any increase in the diversion rate or storage capacity of the dam.

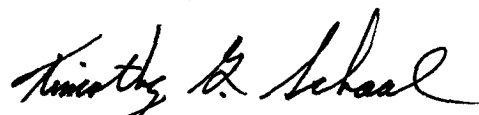
Discussion:

Water Right No. 2746A-3 has a priority date of May 6, 1976 and appropriates 1.33 cfs from the 250 acre-foot storage dam to irrigate 174 acres located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 of Section 33 and the W 1/2 NW 1/4, W 1/2 SW 1/4 of Section 34; all in T99N-R57W.

The Bauer Irrigation Dam (ID No. 2377) is classified as a small size Category 3, Low Hazard dam. It is 32 feet high with a normal storage capacity of 250 acre-feet of water. The dam was constructed prior to 1986, and is exempt from the requirements of the Safety of Dams Rules, Chapter 74:02:08; however, it has a 20 foot wide earthcut spillway with 5 feet of available freeboard. The spillway has a maximum capacity of approximately 600 cfs. The dam has a 10.5 square mile drainage area and a 50-year frequency event, which would be the minimum requirement of the Safety of Dams Rules, would produce a peak runoff of approximately 690 cfs.

Conclusions:

1. Water Permit Application No. 5921-3 should be approved since approval should not have any adverse effects on existing Water Permits/Rights.
2. If approved, the low flow bypass requirement for downstream domestic use and prior Water Permits/Rights should be a qualification on Water Permit Application No. 5921-3.
3. Water Permit Application No. 5921-3 does not authorize any increase in the diversion rate or storage capacity of the dam authorized under Water Right No. 2746A-3.



Timothy G. Schaal, P.E.
Natural Resources Engineer III

Approved by:



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

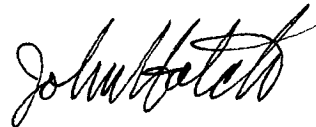
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5921-3, Clinton Bauer**

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. 5921-3, Clinton Bauer, 27825 431 Avenue, Freeman, SD 57029.

The Chief Engineer is recommending APPROVAL of Application No. 5921-3 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. Water Permit No. 5921-3 and Water Right No. 2746A-3 authorize a dam with storage capacity of 250 acre feet of water.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
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
May 15, 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.

May 16, 1996

Clinton C. Bauer
27825 431 Ave.
Freeman, SD 57029

Dear Mr. Bauer:

Water Permit Application No. 5921-3 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 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

May 16, 1996

Freeman Courier
Box 950
Freeman, SD 57029-0950

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5921-3 to be published twice. Please publish the first notice on May 22, 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 Clinton C. Bauer, 27825 431 Ave., Freeman, SD 57029 (Ph # (605) 925-7033).

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. 5921-3

Date _____

We are in receipt of your letter of May 16 1996 enclosing Notice of Hearing to Appropriate Water by Application No. 5921-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on May 22, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5921-3 to Appropriate Water
and to Amend Water Right No. 2746A-3

Notice is given that Clinton C. Bauer, 27825 431 Ave., Freeman, SD 57029 has filed an application for a water permit to irrigate 80 additional acres. Water Right No. 2746A-3 appropriates 1.33 cubic feet of water from a 250 acre-feet storage dam located in the E 1/2 NE 1/4 Section 33 to irrigate 174 acres located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 33 and the W 1/2 NW 1/4, W 1/2 SW 1/4 Section 34; all in T99N-R57W. This application is to irrigate 80 additional acres located in the E 1/2 NW 1/4 Section 34-T99N-R57W from the existing storage dam. This application, if approved, does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5921-3 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 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 June 10, 1996.

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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



AFFIDAVIT OF PUBLICATION

County of Hutchinson)

State of South Dakota)

ss.

Tim L. Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That the Freeman Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county and state by Tim L. Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Tim L. Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement headed **Appropriate Water-Bauer** a printed copy of which is hereto attached, was printed and published in the said newspaper for **two** successive issues to-wit:

The first publication on:
May 22, 1996

the second publication on:
May 29, 1996

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of **\$38.83** insures solely to the benefit of the publisher of the Freeman Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of **\$38.83** is the rate for publishing legal notices.

Tim L. Waltner

Subscribed and sworn to before me that 31st day of
May, 1996

Marilyn L. Lueken
Notary Public

Commission expires: 3/7/04

Publication fee: **\$38.83**

Notary fee:

Total: **\$38.83**

Notice of Application No. 5921-3 to Appropriate Water and to Amend Water Right No. 2746A-3

Notice is given that Clinton C. Bauer, 27825 431 Ave., Freeman, SD 57029 has filed an application for a water permit to irrigate 80 additional acres. Water Right No. 2746A-3 appropriate 1.33 cubic feet of water from a 250 acre-foot storage dam located in the E 1/2 NE 1/4 Section 33 to irrigate 174 acres located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 33 and the W 1/2 NW 1/4, W 1/2 SW 1/4 Section 34; all in T99N-R57W. This application is to irrigate 80 additional acres located in the E 1/2 NW 1/4 Section 34-T99N-R57W from the existing storage dam. This application, if approved, does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5921-3 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 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 June 10, 1996.

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 Program address to request copies of information pertaining to this application. 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

JUN 27 1996

Clinton C. Bauer
27825 431 Ave.
Freeman, SD 57029

Dear Mr. Bauer:

Enclosed is Water Permit No. 5921-3 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 Program
605 773-3352

enclosures

PLEASE NOTE: Certain changes may be made to your water permit 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.



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

Date July 5 - 1996

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

FROM: Clinton C. Bauer 27825 - 431 Ave
(name) (address)
Freeman So. Dak. 57029 605-925-7250
(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. 5921-3.

Water Permit No. 5921-3 states that the diversion system is to be constructed by June 10 2001, and that the water is put to beneficial use by
(date)

June 10 2005
(date)

Project completed 1975 - This application was only
The diversion system was completed on To add additional A.
(date)

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

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

Clinton Bauer
(signature)



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 22, 2010

NOTICE

TO: CLINTON BAUER, 27825 431ST AVE, FREEMAN, SD 57029

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2385-3 & 2740-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2746A-3, 5191-3 & 5921-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 2746A-3, 5191-3 & 5921-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2385-3 & 2740-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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.



5921-3

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 9662

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 12:24 PM on January 23, 2010 in FREEMAN, SD 57029. The item was signed for by C BAUR.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 23, 2010, 12:24 pm, FREEMAN, SD 57029
- Out for Delivery or Available at PO Box, January 23, 2010, 9:04 am, FREEMAN, SD 57029
- Sorting Complete, January 23, 2010, 8:34 am, FREEMAN, SD 57029
- Arrival at Post Office, January 23, 2010, 7:45 am, FREEMAN, SD 57029

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 9662

CLINTON BAUER
27825 431ST AVE
FREEMAN SD 57029

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



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 29, 2010

Clinton Bauer
27825 431st Ave
Freeman SD 57029

RE; 2009 Irrigation Questionnaires for Water Permit or Right Nos. 2385-3, 2740-3, 2746A-3,
5191-3 and 5921-3

Dear Mr. Bauer:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit or Right Nos. 2385-3, 2740-3, 2746A-3, 5191-3 and 5921-3

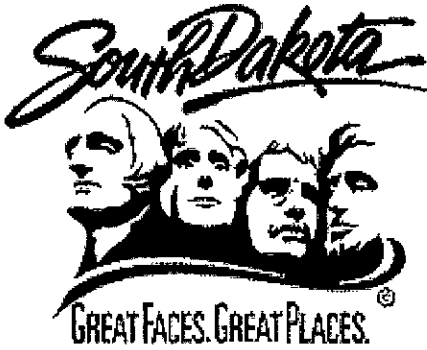
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,


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

5921-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 26, 2020

2385-3
2740-3
2746A-3
5921-3

Mark Bauer
27983 431st Ave
Freeman SD 57029

Dear Mr. Bauer:

Thank you for calling concerning the water permits and water rights held by Clinton Bauer.

Enclosed as we discussed are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$200). The check or money order for the fee can be made payable to the Water Rights Program.

I checked and I was mistaken about filing of the transfer forms. If Clinton is still the owner, unless you have a power of attorney, the ownership changes will need to wait. I apologize for telling you wrong. You can hold on to the transfer forms until needed. They are a simple filing and are effective the day you send them back to us.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, reading "Genny McMath".

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 25, 2026

2385-3, 5921-3
2740-3, 2746A-3

Mark Bauer
27983 431st Ave
Freeman, SD 57029

Dear Mr. Bauer:

We understand that the property's authorized under Water Right Nos. 2740-3, 2764A-3, 2385-3, and Permit No. 5921-3, have all been sold to you. For your convenience I have enclosed partially completed "Transfer of Ownership" forms for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$200.00 (\$50.00 Each) made payable to "SD Water Rights Program" to cover the transfer fees. If you would prefer to pay by card you may call our Fiscal Office at 605.773.5559. These forms will still need to be returned even if you are submitting payment over the phone.

If you have any questions or concerns, please give me a call. My direct number is 605.773.8204

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

enclosures

PAID

MAR 10 2026

Ck# 8760

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 5921-3

Date: 3/6/24

I/We request that Water Right/Permit No. 5921-3 formerly owned by:
Clinton Bauer be transferred to:

New Owner Name: Mark Bauer

Address: 27087 43rd St Ave mobile: 605 201 3803
City, State, Zip: Freeman SD 57029 email: mark.bauer431@gmail.com

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

80 acres in the E1/2 NW1/4 of Section 34-T99N-R57W from existing storage dam.

RECEIVED

MAR 10 2026

OFFICE OF
WATER

☒ I understand that the validity of Water Right/Permit No. 5921-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Mark Bauer, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three-year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

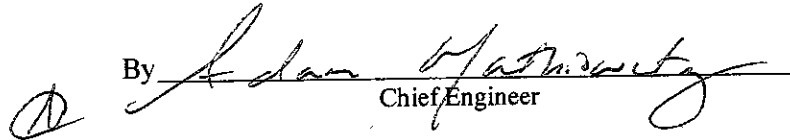
Date March 10, 2026

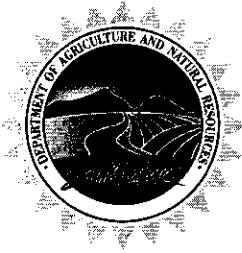
RECEIVED OF Mark Bauer 27983 431st Ave Freeman, SD 57029

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. _____	\$ _____
Fee for Filing Transfer Form #5921-3 _____	\$50.00
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL \$ _____

By


Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 10, 2026

2385-3, 2740-3, 2746A-3, 5921-3

Mark Bauer
27983 431st Ave
Freeman, SD 57029

Dear Mr. Bauer,

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" forms and the required fees you submitted for Water Permit No. 5921-3, & Water Right Nos. 2385-3, 2740-3 & 2746A-3. Enclosed are the receipts of payment for your records.

Water Permit No. 5921-3 & Water Right Nos. 2385-3, 2740-3, & 2745A-3, previously held by Clinton Bauer, are now listed under your name. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Permit/License's (copies enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Permit/License's will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Permit No. 2821-2, and Water Right Nos. 2385-3, 2740-3, & 2745A-3 have not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

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