

WATER PERMIT NO. 5930-3

Name of Applicant: John E. Uecker

Address: RR 1, Box 169, Wagner SD 57380

Phone: 605 384-5191

Amount of Water Claimed: 2.2

Total Acres: 154 acres

Source of Water Supply: Choteau Creek

Water to be used for: irrigation

County: Charles Mix

Type of Waste Disposal System: NA

Location: 1 mile northeast of Wagner

PRIORITY

Date Received: 4-16-96

Fee: \$250.00

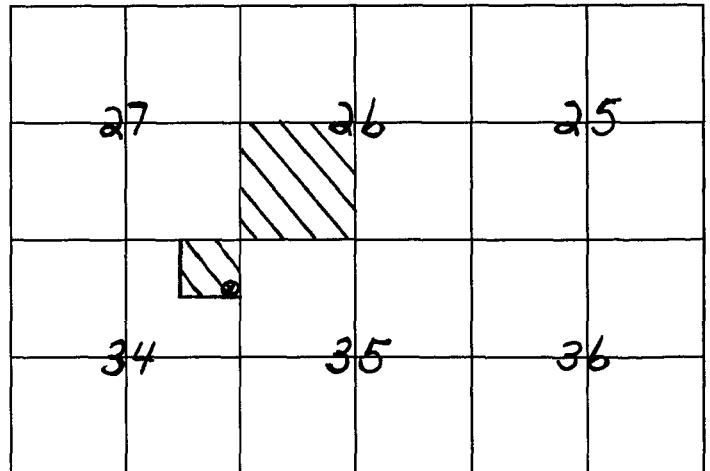
Corrected Application Received: 4-22-96

Period of Annual Use: April 1 - September 30

Remarks:

Diversion Point: NE 1/4 NE 1/4 Sec 34-
T96N-R63W

Land to be Irrigated: SW 1/4 Sec 26 and NE 1/4
NE 1/4 Sec 34; all in T96N-R63W



Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Robert K (?)

Reviewed and the Number Assigned on: 4-22-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 5930-3 FOR IRRIGATION

Date of first receipt of application April 16, 1996.

Date of return to applicant for corrections, amendments or changes April 17, 1996.

Date of receipt of corrected application April 22, 1996.

The Water Management Board approved Water Permit Application No. 5930-3 on July 10, 1996 for John E. Uecker, RR 1 Box 169, Wagner SD 57380 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. 5930-3 appropriates 2.2 cubic feet of water per second from the Choteau Creek located in the NE 1/4 NE 1/4 Section 34 to irrigate 154 acres located in the SW 1/4 Section 26 and NE 1/4 NE 1/4 Section 34; all in T96N-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 - September 30.
3. The date from which applicant may claim right is April 16, 1996.
4. One-fifth of the construction is to be completed on or before January 10, 1999.
5. All construction is to be completed on or before July 10, 2001.
6. Water is to be put to beneficial use on or before July 10, 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. 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 29 1996

date



DIVISION OF WATER PERMIT NO. 5930-3
INTO NOS. 5930A-3 AND 5930B-3

Water Permit No. 5930-3, owned by John E Uecker appropriates 2.2 cubic feet of water per second (cfs) from the Choteau Creek located in the NE 1/4 NE 1/4 Section 34 to irrigate 154 acres located in the SW 1/4 Section 26 and NE 1/4 NE 1/4 Section 34; all in T96N-R63W.

Water Permit No. 5930-3 is being divided and reissued as follows based on a transfer of ownership filed on April 28, 1997.

Water Permit No. 5930A-3, John E Uecker: authorizing diversion of 0.29 cfs from the Choteau Creek located in the NE 1/4 NE 1/4 Section 34 to irrigate 20 acres located in the NE 1/4 NE 1/4 Section 34; all in T96N-R63W.

Water Permit No. 5930B-3, Chet Eitemiller: authorizing diversion of 1.91 cfs from the Choteau Creek located in the NE 1/4 NE 1/4 Section 34 to irrigate 134 acres located in the SW 1/4 Section 26; all in T96N-R63W.

The reissued water permits are subject to any limitations or qualifications listed in Water Permit No. 5930-3.

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5930-3</u> Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Wagner Post, Wagner, SD</u>



Application For Permit To Appropriate Water For Irrigation

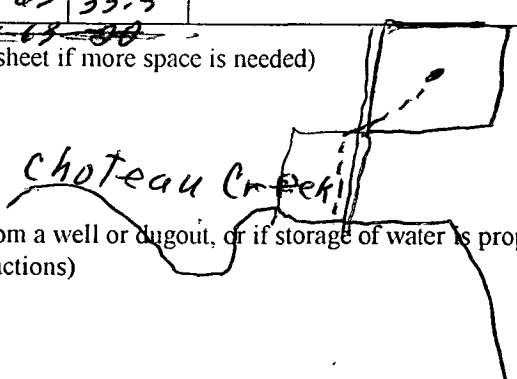
Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(check one) (Use predates Mar 2, 1955)

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

1. Name of Applicant John E Hecker ☐ Owner ☒ Tenant/Lessee Phone 384-5191
(check one)
- Mailing Address RR#1 Box 169 Wagner State S.D. 57380
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed 2.2 *CFS or 1000 **GPM ***AF Total Acreage 154
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Choteau Creek
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 34-96-63
(NE1/4 NE1/4) County Charles Mix
5. County or counties where water will be used Charles Mix
6. Annual period during which water is to be used April - 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 of SW 1/4 26-96-63	33.5	NE 1/4 of NE 1/4 sec 34-96-63	20
NE 1/4 of SW 1/4 26-96-63	33.5		
SW 1/4 of SW 1/4 26-96-63	33.5		
SE 1/4 of SW 1/4 26-96-63	33.5		
NE 1/4 of NE 1/4 34-96-63	33.5		

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



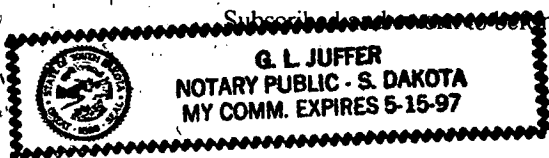
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Charles Mix SS

I, John E. Hecker, 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 E Hecker
Subscribed and sworn to before me this 15 day of April 19 96



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) drain field
- b) System Capacity (gallons) 180,000,000 per year Year Constructed 1988
- d) Connected to the City of Wagner Sanitary System.

3. Dugout Information

Choteau Creek

- 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

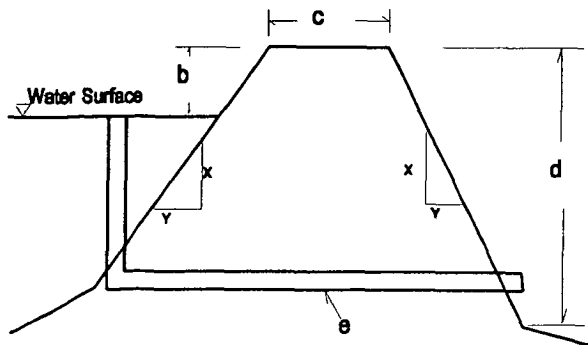
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



NOT TO SCALE

NE 1/4 NE 1/4
34-96-63

T159 19.3

NC

(71-R)
(I 26)

NC

Marie Hecker

NC

38.7

.34 Lagoon

Robert L. [Signature]
4-19-96

NA

34-96-63

NC

2

NA

62.4 T1715

5930-3

T160
135.7

NC

NC

154.6

T116

Margaret Gilreath
Elaine Albert
Sandra Eitemiller

SW 1/4 26-96-63

Robert L. [Signature]
4-19-96

96-63



April 17, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

John E. Uecker
RR 1, Box 169
Wagner SD 57380

Dear Mr. Uecker:

We received your *Application for a Permit to Appropriate Water for Irrigation* on April 16, 1996. Enclosed is the map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

It appears from the location marked on the aerial photo, that the diversion point from Choteau Creek will be located in the ~~NW 1/4 NW 1/4~~ Section 34-T96N-R63W. Is this a correct location? *no* **NE 1/4 NE 1/4**

The filing fee for the application will be \$250.00. If you have any questions, please contact this me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Right Program
605 773-3352

enclosure

RECEIPT

414921

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 22, 19 96

RECEIVED OF John Uecker, RR 1, Box 169, Wagner, SD 57380-9651

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

Fee for Application for Permit No. <u>5930-3</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 Uecker (R)

REPORT ON WATER PERMIT APPLICATION NO. 5930-3

John E. Uecker

May 3, 1996

Application No. 5930-3 proposes to appropriate 2.2 cubic feet of water per second (cfs) from Choteau Creek in the NE 1/4 NE 1/4 Section 34 to irrigate 154 acres located in the SW 1/4 Section 26 and NE 1/4 NE 1/4 Section 34; all in T96N-R63W in Charles Mix County.

WATER SOURCE - CHOTEAU CREEK

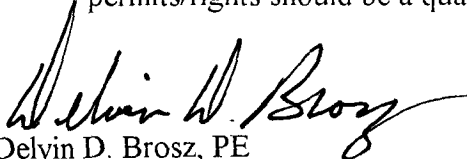
The Choteau Creek drainage basin covers an area of 613 square miles. The lower 18 miles of Choteau Creek is a perennial stream with a very small base flow during the months of July, August and September. Flow in the upper portion of the creek, where the proposed project is located, is in direct response to precipitation. Present irrigation diversions from Choteau Creek occur in the lower 8 miles below the confluence of Dry Choteau Creek with Choteau Creek. The proposed project is located approximately 15 miles above the confluence of the two creeks, approximately 1 mile northeast of the town of Wagner. Water availability in this section of Choteau Creek will be dependent on larger precipitation events.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

Three water permits/rights exist downstream of the project proposed by Application No. 5930-3. The three permits/rights are authorized to divert 3.27 cfs to irrigate 312 acres and are all located below the confluence of Dry Choteau Creek with Choteau Creek and approximately 1 to 6 miles above the confluence of Choteau Creek with the Missouri River. This lower section of Choteau Creek has the small base flow. Impacts to downstream diversions should be small, since the proposed diversion is located 15 miles above the nearest downstream senior right and the flow of Choteau Creek is dependent upon larger precipitation events. Due to the nature of the stream, there are times when water for the proposed appropriation will not be available. Application No. 5930-3, if approved, would be junior to the downstream water permits/rights and subject to flows being available to the senior rights.

CONCLUSIONS

1. Water availability will depend upon runoff from larger precipitation events.
2. There are 3 water permits/rights which appropriate 3.27 cfs located approximately 15 miles downstream from the proposed diversion point.
3. 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. 5930-3.



Delvin D. Brosz, PE
Natural Resources Engineer

BIBLIOGRAPHY

1. South Dakota Department of Environment and Natural Resources. 1996. Water Rights Program records.
2. Kume, Jack, 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, USGS Bulletin 22.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5930-3, John Uecker**

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. 5930-3, John Uecker, RR 1, Box 169, Wagner, SD 57380.

The Chief Engineer is recommending APPROVAL of Application No. 5930-3 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
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
May 15, 1996

NOTE: The quantity of flow in Choteau Creek is in direct response to precipitation in the area. Choteau Creek may not provide a reliable water source for irrigation. During periods of low flow, sufficient flows must be bypassed to satisfy downstream livestock watering and prior rights.



**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 15, 1996

John E. Uecker
RR 1, Box 169
Wagner, SD 57380

Dear Mr. Uecker:

Water Permit Application No. 5930-3 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

May 15, 1996

Wagner Post
Box 187
Wagner, SD 57380-0187

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5930-3 to be published twice. Please publish the first notice on May 23, 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 E. Uecker, RR 1, Box 169, Wagner, SD 57380 (Ph # (605) 384-5191).

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 May 23, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5930-3 to Appropriate Water

Notice is given that John E. Uecker, RR 1, Box 169, Wagner, SD 57380 has filed an application for a water permit to appropriate 2.2 cubic feet of water per second from the Choteau Creek located in the NE 1/4 NE 1/4 Section 34 to irrigate 154 acres located in the SW 1/4 Section 26 and NE 1/4 NE 1/4 Section 34; all in T96N-R63W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5930-3 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 this application 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 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 28, 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.

The Water Management Board will consider this application at 10:00 a.m., July 10, 1996, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 10, 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 application. The request for an automatic delay must be filed by June 28, 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 June 28, 1996, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF CHARLES MIX)

Carol Harrell, of said County and State being first duly sworn on her oath says: That The Wagner Post is a legal newspaper of general circulation, printed and published in Wagner, in said County and State, by Carol Harrell, and has been such newspaper during the time herein mentioned; and that I, Carol Harrell, 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—

Notice of Hearing
No. 5930-3

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in supplement, once each week for 2 successive weeks.

1st publication made on 22nd day of May, 1996

2nd publication made on 29th day of May, 1996

3rd publication made on _____ day of _____, 19____

4th publication made on _____ day of _____, 19____

5th publication made on _____ day of _____, 19____

6th publication made on _____ day of _____, 19____

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Charles Mix for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Wagner, South Dakota, the place of publication of said newspaper. That the full amount of the fee for the publication of the annexed notice is \$ 45.90.

Carol Harrell

Subscribed and sworn to before me this 29th day

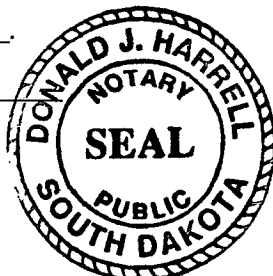
of May, 1996.

Donald J. Harrell

Notary Public

Charles Mix County, South Dakota

My commission expires 11-13-97



Public Notice

NOTICE OF HEARING on Application No. 5930-3 to Appropriate Water

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prove, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 10, 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 application. The request for an automatic delay must be filed by June 28, 1996.

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This application is 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Nettie H. Myers, Secretary
Department of Environment and
Natural Resources.

Pub: May 22 and 29, 1996



Gronlund, Eric

From: Meintsma, Eric
To: Gronlund, Eric; Konop, Jaci; Woodmansey, Kent
Subject: RE: Question on City of Wagner
Date: Friday, July 12, 1996 8:21AM

I called Sam Gregor with Wagner. He said that the down stream land owner wanted the city to provide the pumping equipment to irrigate his fields directly from the wwtf. The city turned him down, so he is planning to pump water out of Choteau Creek about 1/4 mile down stream from the wwtf effluent.

Jaci please file.

From: Woodmansey, Kent
To: Meintsma, Eric
Subject: FW: Question on City of Wagner
Date: Friday, July 12, 1996 7:59AM

Please let me know what you find out.

From: Gronlund, Eric
To: Buscher, Kelli
Subject: Question on City of Wagner
Date: Thursday, July 11, 1996 4:44PM

At our recent Board meeting we had an irrigation permit from Choteau Creek near Wagner. Board member Leo Holzbauer asked why he needed the permit since he uses Wagner's lagoons to water his field. My question is whether disposal of the contaminated water by land application is part of the operating procedure used by the city in order not to make a surface water discharge. If this is an operating procedure, then a water right permit is not required. However, if the gentleman is taking the water just because he wants to irrigate, a water right permit may be required.

I'd appreciate any insight that you or anyone else may be able to provide. Thanks!



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 29 1996

John E. Uecker
RR 1, Box 169
Wagner, SD 57380

Dear Mr. Uecker:

Enclosed is Water Permit No. 5930-3 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 1/15/97

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

FROM: John E. Hecker RPA #1 Box 169
(name) (address)
Wagner S.D. 57380 384-5191
(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. 5930-3.

Water Permit No. 5930-3 states that the diversion system is to be constructed by 6/10/2001, and that the water is put to beneficial use by
(date)

6/10/2005
(date)

The diversion system was completed on 6/21/96
(date)

Applying the water to beneficial use was completed on 6/21/96
(date)

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

John E. Hecker
(signature)