

WATER PERMIT NO. 5959-3

Name of Applicant: Steven Engelhart

Address: 11276 386th Ave., ^FFrederick, SD 57441

Phone: 329-2101

Amount of Water Claimed: ~~1.0~~ 1.6 Total Acres: 113

Source of Water Supply: well

Water to be used for: irrigation County: Brown

Type of Waste Disposal System: N/A

Location: SW1/4 SW1/4 Section 16, T126N, R63W

PRIORITY Date Received: Sept. 30, 1996 Fee: \$225

Corrected Application Received: XX Period of Annual Use: March 1 - Oct. 31

Remarks: XXXX

XX

Diversion Point: SW1/4 SW1/4 Section 16, T126N, R63W

Land to be Irrigated: W1/2 SW1/4, NE1/4 SW1/4

Section 16, T126N, R63W

XX

XX

Depth of Well: 61 feet

Well Driller: M & W Drilling

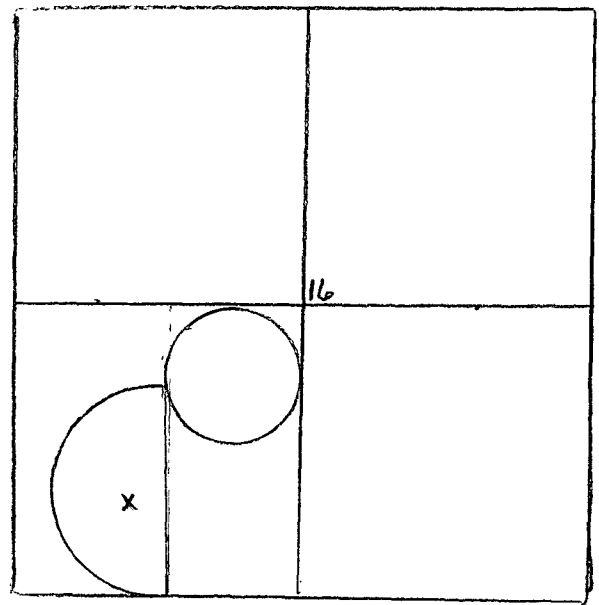
Remarks: XX

Type of Map: Aerial Map

Prepared by: Danny Found?, DC, A berdeen

Reviewed and the Number Assigned on: 9/30/96

Notice of Hearing - date to intervene:



By: ERIC GRONLUND

SOUTH DAKOTA
WATER PERMIT NO. 5959-3

Date of first receipt of application September 30, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5959-3 to Steven Engelhart, 11276 386th Ave., Frederick SD 57441 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. 5959-3 appropriates 1.61 cubic feet of water per second (cfs) from one well (Elm Northern Brown Aquifer) 61 feet deep located in the SW 1/4 SW 1/4 Section 16-T126N-R63W to irrigate 113 acres. The irrigated acres are located in the W 1/2 SW 1/4, NE 1/4 SW 1/4 Section 16-T126N-R63W. This permit proposes construction of additional wells if the initial well does not provide sufficient water. The additional wells will have to be constructed within the time to complete works on the permit.
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: March 1 - October 31.
3. The date from which applicant may claim right is September 30, 1996.
4. The date of approval of Permit No. 5959-3 is December 9, 1996.
5. One-fifth of the construction is to be completed on or before June 9, 1999.
6. All construction is to be completed on or before December 9, 2001.
7. Water is to be put to beneficial use on or before December 9, 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. The wells 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 wells authorized by Permit No. 5959-3 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) from the producing formation to the surface 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, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 26 1996

date





Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5959-3</u> Hydrologic Unit <u>10/60003</u>
	Basin <u>James River</u>
Newspaper <u>Frederick/Brown Co. Independent, Frederick, 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 Steven Engelhart ☒ Owner ☐ Tenant/Lessee Phone 605-329-2101
(check one)
- Mailing Address 11276 386th Ave. Frederick State S.D. 57441
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed 1.61 *CFS or 725 **GPM ***AF Total Acreage 113
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply well (possible second well)
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW1/4 SW1/4 Sec 16-T126N-R63W County Brown

5. County or counties where water will be used Brown
6. Annual period during which water is to be used annual growing season March 1-Oct. 31
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
NE1/4 SW1/4 Sec 16-T126N-R63W	40		
NW1/4 SW1/4 Sec 16-T126N-R63W	35		
SW1/4 SW1/4 Sec 16-T126N-R63W	38		

8. Give a description of the project. (Attach sheet if more space is needed)
Use two small center pivots to water approximately 90 acres. The remainder will be watered with a traveling gun. Might need a second well later. Hope one is enough.

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 Brown ss

I, Steven Engelhart 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.

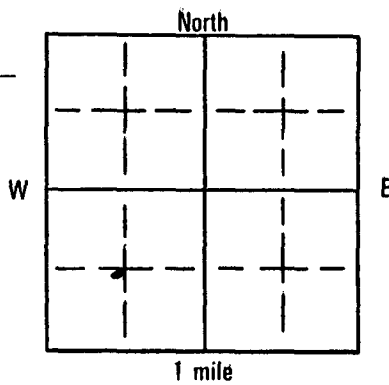
Signed Steven Engelhart
Subscribed and sworn to before me this 26th day of September 19 96
Arline M. Jakobson
Notary Public

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SW 1/4 SW 1/4 Sec 16 Twp 126 Rg 65County BROWN

Please mark well location with an "X"

Well Completion Date 8-1-96

PROPOSED USE:

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

Method of Drilling:

F. Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe S.D.A. - 21

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT <u>8</u>	IN <u>4 1/2</u>	FT <u>41</u>	FT <u>12 3/4</u>	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 15' FEETWhat is grouting material? Enduro-Plug

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter 8" IN Length 20 FEETMaterial 200Slot Size 60 Set From 41 Feet To 61 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Steve EnslinAddress BARNARD, SD.

Well Log:

Depth

Formation	From	To
Topsoil	0	2
Gr. Clay	2	15
Gr. Med. Sand	15	20
Gr. Clay	20	27
Mostly fine Gr.	27	
Sand		41
Med. Sand - Lty.	41	45
Med. to coarse sand	45	50
Med. Sand to	50	
Gravel		61

STATIC WATER LEVEL 9' 1" Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

12' 11" ft. After 2 Hrs. pumped 59.84 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

Spec. Cap. 24.02For yield to screen768This well was drilled under license # 389

And this report is true and accurate.

Drilling firm New Drilling

Signature of License Representative: _____

Signature of Well Owner: _____

Date 8-5-96

RECEIPT

415128

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 30, 19 96

RECEIVED OF Steven Engelhart, 11276 386th Ave., Frederick, SD 57441-6301

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

Fee for Application for Permit No. <u>5959-3</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 Mitchell
Chief Engineer

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Steven Engelhart -- Water Permit Application No. 5959-3

ADDRESS: Frederick, SD COUNTY: Brown

DATE: October 1, 1996 TELEPHONE: 329-2101

RE: Call to Mr. Engelhart

COMMENTS:

I contacted Mr. Engelhart regarding his water permit application. His application is currently to appropriate 1.0 cfs to irrigate 113 acres. I explained the statutory limit for irrigation of 113 acres is 1.61 cfs. He currently believed that he could get by with 1.0 cfs for irrigation of the acreage. We discussed the 5 year period to construct works. He decided it was best to amend his application to be for 1.61 cfs. I explained that after 5 years if he did not developed less than the 1.61 cfs, the water license will reflect this lesser amount of water he develops.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Ironlund

REPORT ON WATER PERMIT APPLICATION NO. 5959-3

for Steven Engelhart

October 31, 1996

Application No. 5959-3 proposes to appropriate 1.61 cfs (725 gpm) from one well approximately 61 feet deep located in the SW 1/4 SW 1/4 of Section 16, to irrigate 113 acres located in the W 1/2 SW 1/4, NE 1/4 SW 1/4 of Section 16, all in T126N-R63W in Brown County. The application proposes to construct an additional well(s) if the initial well does not provide sufficient water. The additional well(s) will have to be constructed within the time to complete works on the permit.

AQUIFER - ELM NORTHERN BROWN (E-NB)

The Elm is the upper most sand and gravel outwash aquifer in Brown County (Emmons, 1990). The Elm Northern Brown is a management unit which is the northern part of the Elm aquifer in Brown County underlies 187,200 acres and contains an estimated 702,000 acre feet of recoverable water in storage (Hedges, 1982). Ground water movement is from west to east across the area of this application (Koch, 1976). The aquifer is confined and under slight artesian conditions at this site. The test hole report filed with the application indicates sand from 15 to 20 feet, gray clay from 20 to 27 feet and sand and gravel from 27 to 61 feet all below land surface. The static water level was reported to about 9 feet below land surface.

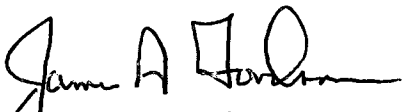
The Water Rights Program monitors two observation wells BN-82G and BN-82H which are located two miles west and one mile east of the application respectively. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing Water Right No. 4339-3 (1.44 cfs, 133 acres) which obtains water from the Elm Northern Brown aquifer with a diversion point located about one-half mile east of this application. Interference is not expected to be a concern. Drawdown created by pumping should not be significant at this distance and should not adversely affect the water supply from the aquifer. The observation well hydrographs confirm this assumption. There are other irrigation permits/rights located in the area and at a greater distance. Historically, there have never been any serious water availability problems in this area.

CONCLUSIONS

1. Water is available from the Elm Northern Brown aquifer.
2. The aquifer is confined and under artesian conditions. However, the total head on the aquifer is not very large. Drawdown is not expected to be significant and interference is not expected to be a problem.
3. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.



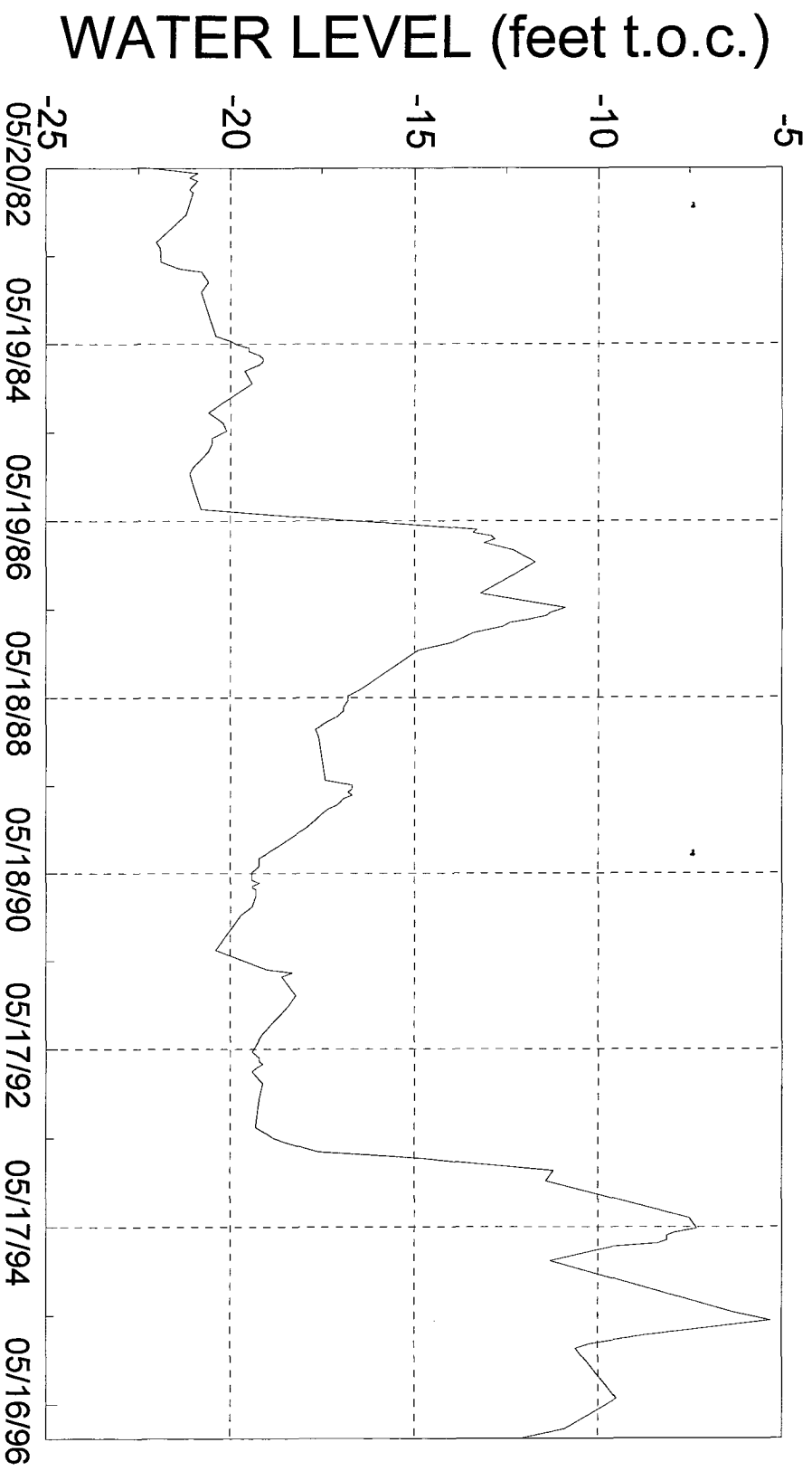
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Emmons, P.J., 1990, A Digital Simulation of the Glacial-Aquifer System in the Northern Three-Fourths of Brown County, South Dakota, WRI 88-4198, USGS, Huron, SD, 57350.
- Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Koch, N.C., 1976, Geology and Water Resources of Brown County, South Dakota, Part II: Water Resources, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1996, Unpublished Observation Well Data for Brown County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

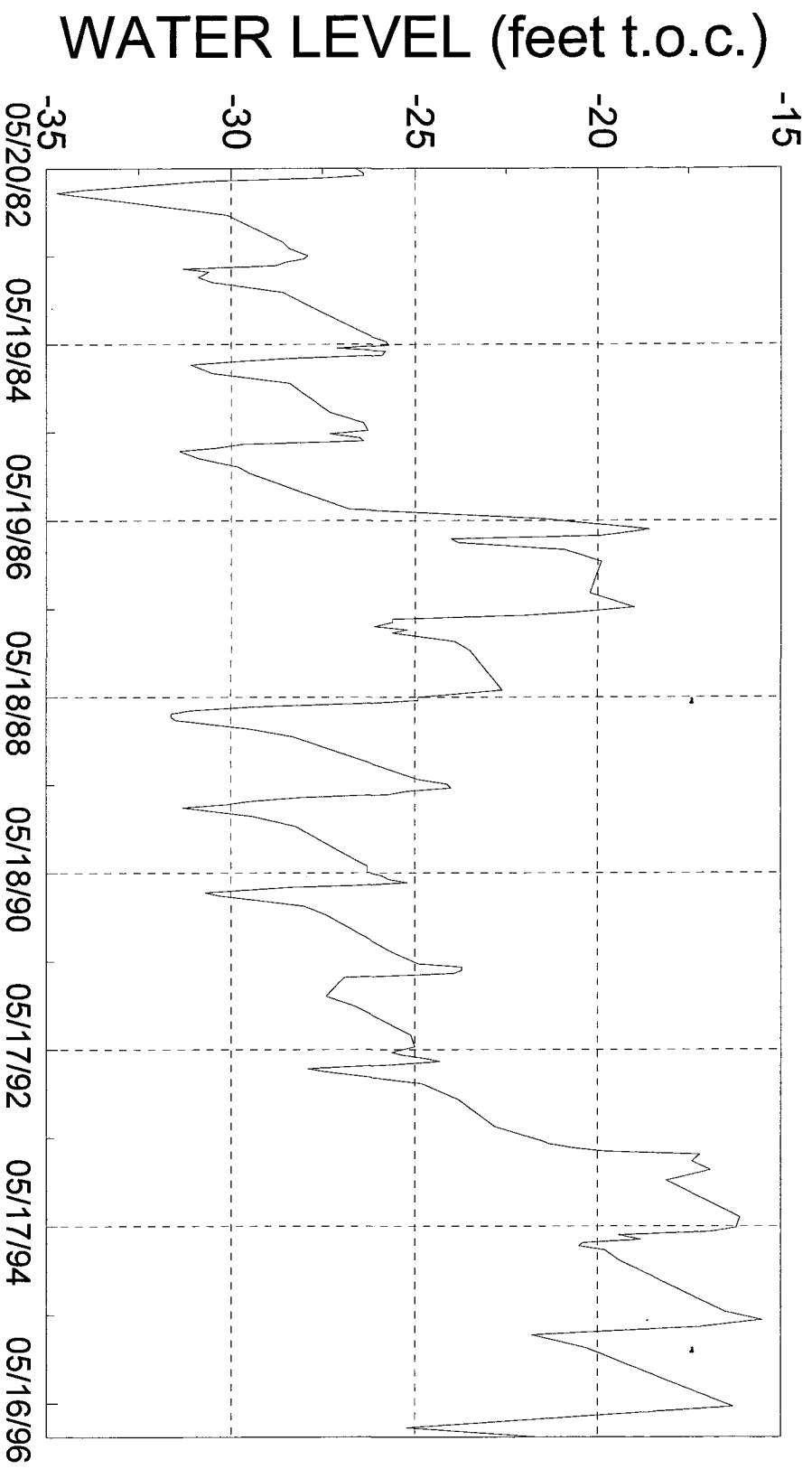
WATER RIGHTS OBSERVATION WELL

BN-82G



WATER RIGHTS OBSERVATION WELL

BN-82H



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5959-3, Steven Engelhart**

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. 5959-3, Steven Engelhart, 11276 386th Ave., Frederick, SD 57441

The Chief Engineer is recommending APPROVAL of Application No. 5959-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

1. The wells 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 wells authorized by Permit No. 5959-3 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) from the producing formation to the surface 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
November 12, 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.**

November 13, 1996

Steven Engelhart
11276 386th Ave.
Frederick, SD 57441

Dear Mr. Engelhart:

Water Permit Application No. 5959-3 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 Frederick/Brown Co. Independent printed at Frederick, SD (Ph # (605) 329-2538). 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
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

November 13, 1996

Frederick/Brown Co. Independent
Box 557
Frederick, SD 57441

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5959-3 to be published twice. Please publish the first notice on November 21, 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 Steven Engelhart, 11276 386th Ave., Frederick, SD 57441 (Ph # (605) 329-2101).

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. 5959-3

Date _____

We are in receipt of your letter of 11/13/96 enclosing Notice of Hearing to Appropriate Water by Application No. 5959-3 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 November 21, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5959-3 to Appropriate Water

Notice is given that Steven Engelhart, 11276 386th Avenue, Frederick, SD 57441 has filed an application for a water permit to appropriate 1.61 cubic feet of water from a well (Elm Northern Brown Aquifer) 61 feet deep located in the SW 1/4 SW 1/4 Section 16, T126N, R63W to irrigate 113 acres. The irrigated acres are located in the W 1/2 SW 1/4, NE 1/4 SW 1/4 Section 16, T126N, R63W. The application proposes construction of additional wells if the initial well does not provide sufficient water. The additional wells will have to be constructed within the time to complete works on the permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5959-3 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 December 9, 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.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Brown) SS

I, Joyce Walter

certify that the attached printed Notice was

taken from the Brown County
Independent

printed and published in 11-27-96

County of Brown and State of

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

11-21-96

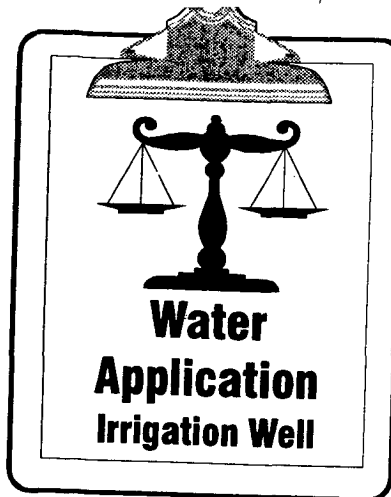
11-27-96

Cost of Printing: \$31.41

Joyce Walter
(Signature)

Office Manager
(Title)

November 27, 1996
(Date Signed)



Notice of Application NOTICE OF APPLICATION NO. 5959-3 to Appropriate Water

Notice is given that Steven Engelhart, 11276 386th Avenue, Frederick, SD 57441 has filed an application for a water permit to appropriate 1.61 cubic feet from a well (Elm Northern Brown Aquifer) 61 feet deep located in the SW $\frac{1}{4}$ Section 16, T126N, R63W to irrigate 113 acres. The irrigated acres are located in the W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, T126N, R63W. The application proposes construction of additional wells if the initial well does not provide sufficient water. The additional wells will have to be constructed within the time to complete works on the permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5959-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is beneficial use of the 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 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.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1996

Steven Engelhart
11276 386th Ave.
Frederick, SD 57441

Dear Mr. Engelhart:

Enclosed is Water Permit No. 5959-3 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.

Permit No. 5959-3
James River - Water District

Other permit/license(s) associated with project: 2580-3, and 4890-3

Contact Person & Address: Steven Engelhart, 11276 386th Ave, Barnard, SD 57426

Report Of Examination Of Works

On, August 23, 2000, I made a thorough examination of the water use system constructed by Steven Engelhart of 11276 386th Ave, Barnard, SD 57426 holder of Permit No. 5959-3, bearing the priority of September 30, 1996, authorizing the diversion of 1.61 cu. ft. per second of the waters for irrigation purposes, in Brown County.

The system is in the following condition good. The point of diversion is located Well #1: from the SE corner of Section 16 T126N-R63W it is 3696 feet west and 1031 feet north with a longitude of -98.428818 and a latitude of 45.722710. The works are capable of diverting and conveying to the place of use 0.89 cu. ft. per second of water that is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

All land is in Section 16 T126N-R63W

NE ¼ SW ¼ = 30 Acres

NW ¼ SW ¼ = 22 Acres

SW ¼ SW ¼ = 27 Acres

comprising a total of 79 acres of land and the license should be issued for 0.89 cfs.

Review of 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
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

Diversion Point Information: Well #1

- | | |
|--|-------------------------------------|
| 1) Well Drilling Firm: <u>M & W Drilling</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>61</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-----------------------------|--------------------------|
| 1) Diameter <u>8</u> inches | 2) Length <u>42</u> feet |
| 3) Type <u>Plastic</u> | |

Screen:

- 1) Type PVC
- 2) Length 20 feet
- 3) Static water level 9 feet 1 inch

Pump\ Motor:

- 1) Pump Make unknown (submersible)
- 2) Pump Model unknown
- 3) Capacity 400 GPM
- 4) Motor Make unknown
- 5) Motor Model No. unknown
- 6) Horsepower rating 25 hp

Distribution System:

- 1) Type PVC
- 2) Size 6 inches
- 3) Length 1485 feet

System Type:

Center pivot: Section 16 NE ¼ SW ¼

- 1) Make Olson
- 2) Overall length 645 feet
- 3) Number of towers 5 without center pivot
- 4) End gun yes
- 5) High or low pressure between high & low (40-50 lb)
- 6) Capacity 400 GPM

System Type:

Center pivot: Section 16 SW ¼ SW ¼

- 1) Make Ranke
- 2) Overall length 882 feet
- 3) Number of towers 7 without center pivot
- 4) End gun yes
- 5) High or low pressure between high & low (40-50 lb)
- 6) Capacity 400 GPM

Chemigation:

- 1) Does chemigate no

Stacy J. Johnson
Stacy J. Johnson
Natural Resources Engineer
DENR, Water Rights Program

1-10-01
Date

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Steven Engelhart

ADDRESS: 11276 386th Ave, Barnard, SD 57426

DATE: January 18, 2001 COUNTY: Brown TELEPHONE: (605) 329-2101

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Yes

- **If irrigation, no new land is irrigated**

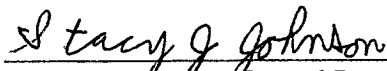
No

- **Review of Existing Diversions**

Well was to be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ as per water permit application. Well is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$.

RECOMMENDED ACTION

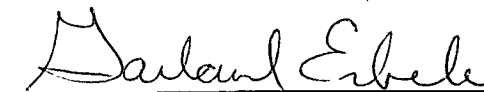
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



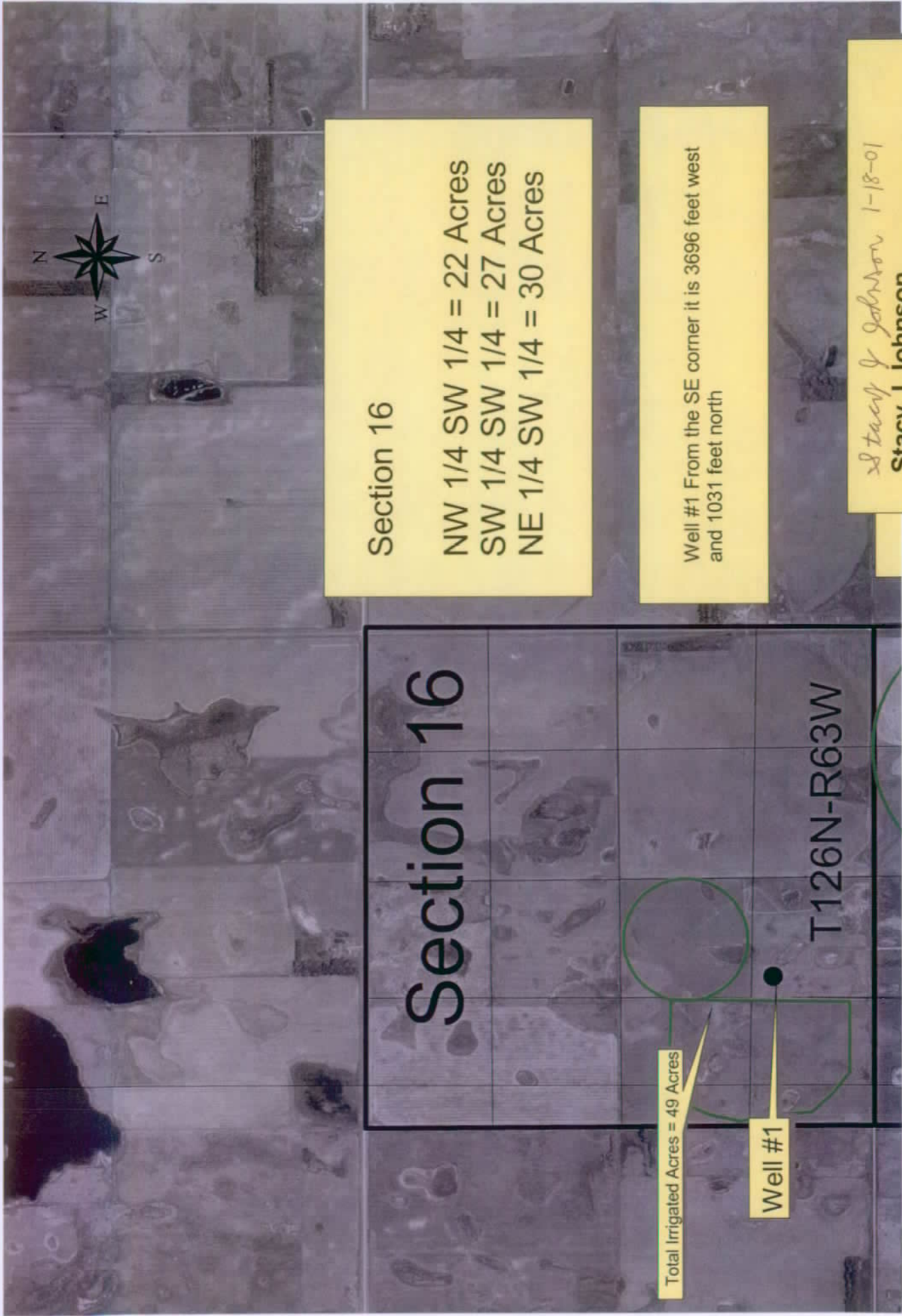
Stacy J. Johnson, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

5959-3 and 4890-3

Steven Engelhart
11276 386th Ave
Barnard SD 57426

Dear Mr. Engelhart:

On August 23, 2001 the investigation of your water use systems, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 5959-3 and 4890-3, was completed by Stacy J Johnson, a staff engineer with our program. The final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of each water license. Upon receipt of the \$100.00 fee, we will complete processing your water licenses. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permits, investigation of your water use systems or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416761

Pierre, JFEBRUARY 12, 2001

RECEIVED OF Steven L Engelhart, 11276 366th Ave, Frederick, SD 57441

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. <u>5959-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By

Darland Erbele

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 04 2001

5959-3

Steven Engelhart
11276 386th Ave
Frederick, SD 57441

Dear Mr. Engelhart:

Enclosed is Water License No. 5959-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416761 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5959-3

(1) Steven Engelhart, 11276 386th Ave, Frederick SD 57441 made Application No. 5959-3, September 30, 1996 for a water permit to divert 1.61 cubic feet of water per second from groundwater (one well), Brown County, South Dakota for irrigation purposes. Permit No. 5959-3, with a priority date of September 30, 1996 was approved December 9, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 9, 2001 and for the application to beneficial use of said water on or before December 9, 2005.

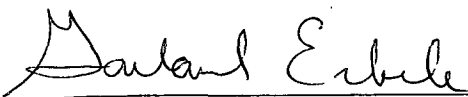
An investigation conducted for licensing purposes found the well under Water Permit No. 5959-3 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

(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 0.89 cubic feet of water per second for beneficial use. The location of the diversion point is 3,696 feet west and 1,031 feet north from the southeast corner of Section 16-T126N-R63W (SE ¼ SW ¼).

(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:

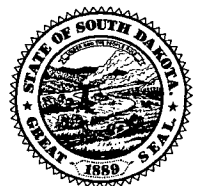
Section 16-T126N-R63W	NE ¼ SW ¼	30 acres
	NW ¼ SW ¼	22 acres
	SW ¼ SW ¼	27 acres
Total 79 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Steven Engelhart, 11276 386th Ave, Frederick SD 57441 the holder and/or owner of Water Right No. 5959-3 is issued a license to appropriate water, the right to use 0.89 cubic feet of water per second from groundwater (one well) with a priority date of September 30, 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. 5959-3 and subject to South Dakota State Law.


GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 04 2001

date



4890-3

5959-3

General Irrigation, Inc.



8973 Hwy 1 South
Oakes, ND 58474
701-742-3223 office



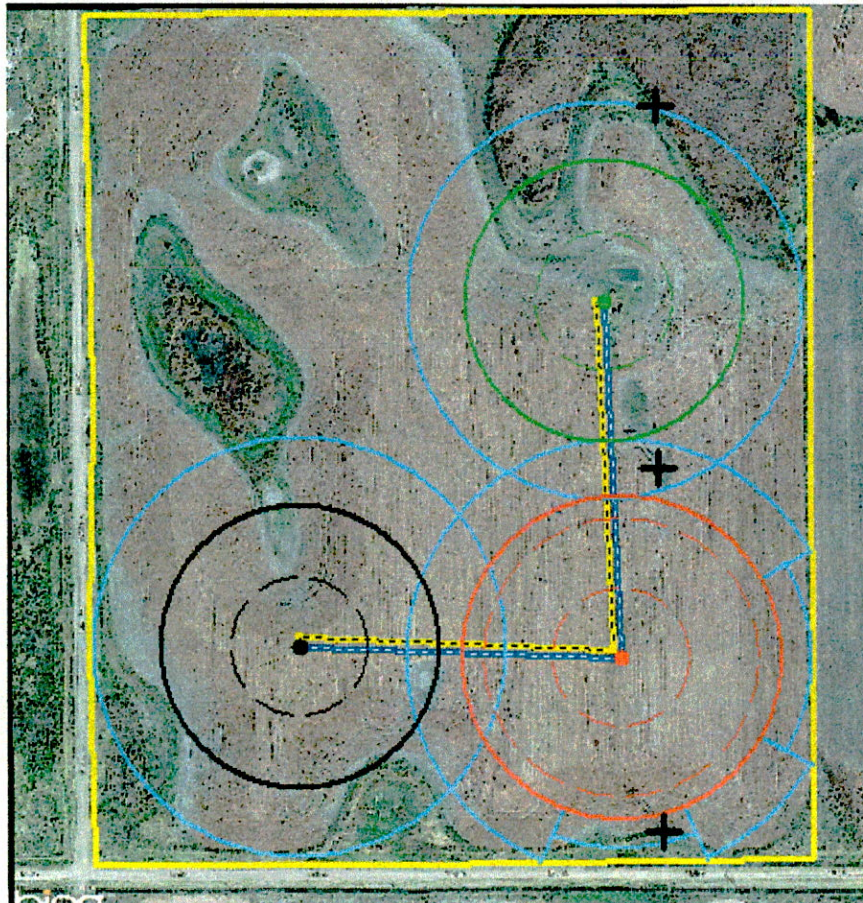
Farm: Steve Englehardt

Grower:

3/16/2016

Systems:	Length	Spans	Total area including endgun
● Pivot 1	253.00 ft	2 spans + No overhang	8.99 acres
● Pivot 2	289.00 ft	2 spans + 33 ft o.h.	10.16 acres
Pivot 3	253.00 ft	2 spans + No overhang	10.03 acres

Pipe and Wire:	Length / Size	Description
● Pipe 1	632.37 ft / 6"	
● Pipe 2	578.18 ft / 4"	
● Wire 1	1177.22 ft / #8	



RECEIVED

DEC 12 2016

WATER RIGHTS
PROGRAM



5959-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: STEVEN ENGELHART, 11276 386TH AVE, FREDERICK, SD 57441

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4890-3 & 5959-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 4890-3 & 5959-3 qualification:

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

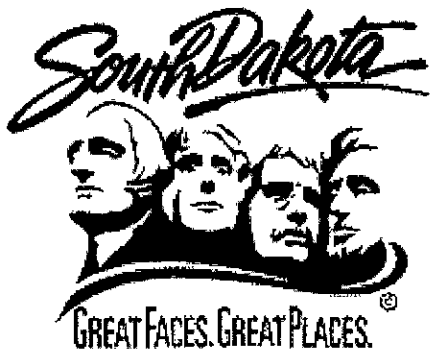
The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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) 4890-3 & 5959-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: NAFHMO**

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 57501-3182
www.denr.sd.gov

January 27, 2020

4890-3
5959-3

Steven Engelhart
11276 386th Ave
Frederick SD 57441

Dear Mr. Engelhart:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 4890-3 and 5959-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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