

WATER PERMIT NO. 6098-3

Name of Applicant: CSS Farms

Address: 3334 9th Ave SW, Watertown SD 57201

Phone: 605 886-2577

Amount of Water Claimed: 2.00 cfs Total Acres: 126

Source of Water Supply: groundwater

Water to be used for: irrigation County: Grant

Type of Waste Disposal System: NA

Location: approximately 28 miles west of Milbank

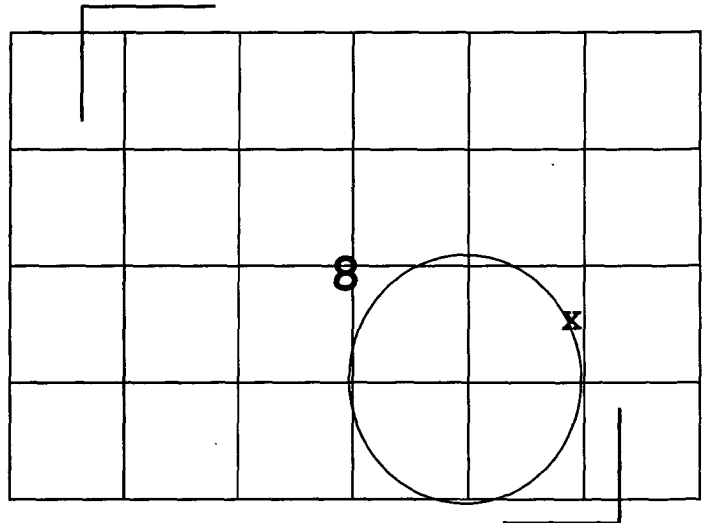
PRIORITY Date Received: 8-25-1998 Fee: \$250.00

Corrected Application Received: Period of Annual Use: May 1 – October 31

Remarks: Requesting more water than statutory limit

Diversion Point: NE ¼ SE ¼ Sec 8-T121N-R52W

Land to be Irrigated: SE ¼ Sec 8-T121N-R52W



Depth of Well: 68 feet deep

Well Driller: LTP Enterprise

Remarks:

Type of Map: aerial

Prepared by: W Stanley Lamb,SCS

Reviewed and the Number Assigned on: 8-25-1998

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6098-3**

Date of first receipt of application August 25, 1998.

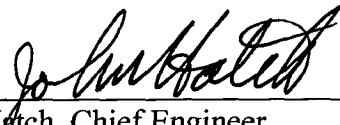
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6098-3 to CSS Farms, 3334 9th Ave SW, Watertown SD 57201 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6098-3 appropriates 2.0 cubic feet of water per second from one well (Big Sioux North Aquifer) 68 feet deep located in the NE ¼ SE ¼ Section 8 to irrigate 126 acres located in the SE ¼ Section 8; all in T121N-R52W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – October 31.
3. The date from which applicant may claim right is August 25, 1998.
4. The date of approval of Permit No. 6098-3 is November 23, 1998.
5. One-fifth of the construction is to be completed on or before May 23, 2001.
6. All construction is to be completed on or before November 23, 2003.
7. Water is to be put to beneficial use on or before November 23, 2007.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6098-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6098-3 authorizes a maximum diversion rate of 2.00 cfs for the irrigation of 126 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

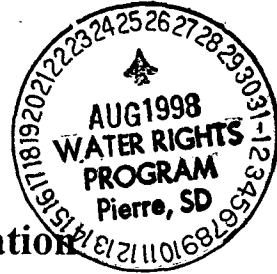
By: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 19 1999

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6098-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sisoux River</u>
	Newspaper <u>Grant Co. Review, Milbank, SD</u>



Application For Permit To Appropriate Water For Irrigation

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

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

- Name of Applicant CSS Farms Phone 605/886-2577
(check one) Owner ☒ Tenant/lessee
Mailing Address 3334 9th Ave. SW, Watertown State SD 57201
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.0 *CFS or 900 **GPM ***AF Total Acreage 106
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well in SE 1/4 of NE 1/4 Sec. 8 - T121N - R52W
NE 1/4 SE 1/4 County Grant
- County or counties where water will be used Grant
- Annual period during which water is to be used Mayt Oct 31
- 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 SE 1/4 8-121-52	31		
SW 1/4 " "	31		
NE 1/4 " "	32		
SE 1/4 " "	32		

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

Center pivot irrigation system.

STATE OF SOUTH DAKOTA) SS
County of Codington

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)

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

Applicant's signature Milton G Carter

Subscribed and sworn to before me this 24 day of August 19 98

Charlotte M. [Signature]

Notary Public Signature

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 15" Depth 68'
- b) Casing Type Steel Diameter 12" Thickness 3/8"
- c) Screen Type Stainless Steel Diameter 12" Thickness Wire Wrapped
- d) Gravel Pack _____ 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) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

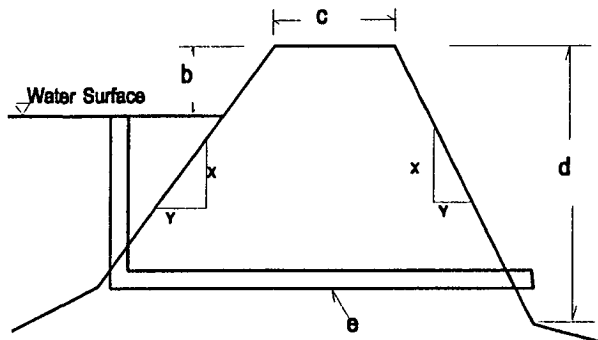
3. Dugout Information

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

4. Water Storage Dams

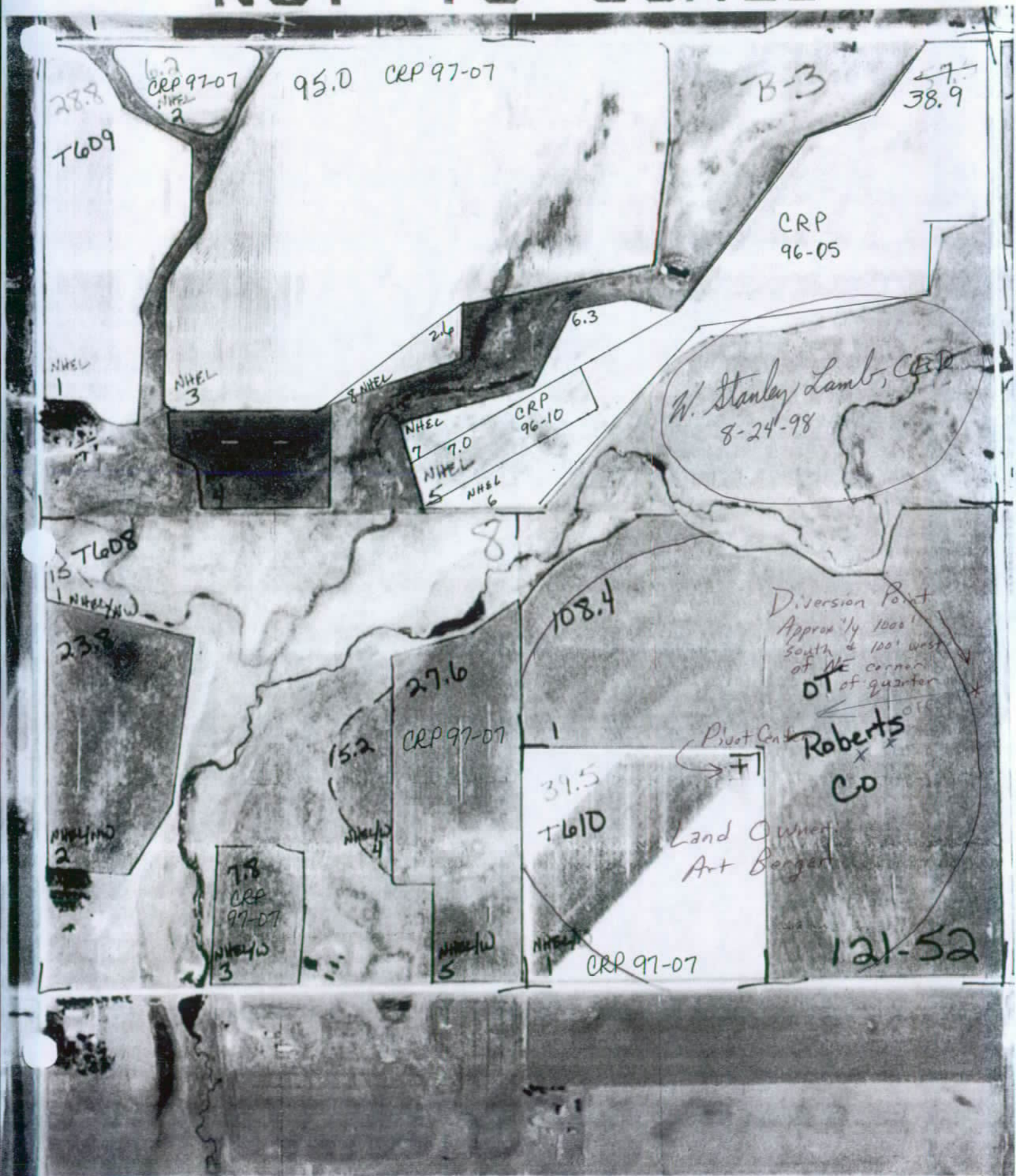
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

NOT TO SCALE



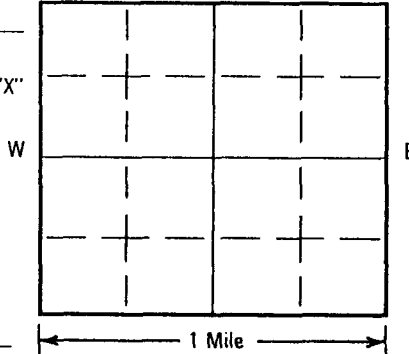
6098-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 8 Twp 131 Rg 52County GRANT North

Please mark well location with an "X"



Well Completion Date

5-26-99

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

RotaryCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>49.56</u> LB/FT	<u>12</u> IN	<u>12</u> FT	<u>43</u> FT	<u>17 1/2</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>CEMENT</u>	<u>15</u>	_____ lb./gal	<u>0</u> ft.	<u>20</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure PRESSURE GROUTEDSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 IN Length 15 FEETMaterial STAINLESS STEELSlot Size 0.70 Set From 43 Feet to 58 FeetOther information SS. PLATE BOTTOMWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How:

_____ NO, Why Not?

Laboratory sent to for water
analysisHIGH
PRESSURE
JETTINGWell Owner: CSS FARMS

Business Name: _____

Address: 3334 9th AVE S.W.
WATERTOWN, SD. 57201

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>TOP SOIL</u>	<u>0</u>	<u>1</u>
<u>SAND</u>	<u>1</u>	<u>3</u>
<u>SAND - COARSE TO FINE</u>	<u>7</u>	<u>58</u>
<u>SAND CLAY</u>	<u>58</u>	<u>70</u>

STATIC WATER LEVEL 5.3 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: SUB. PUMP☐ Bailed☐ Other

Pumping Level Below Land Surface

39.7 ft. After 3.45 Hrs. pumped 759 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 381

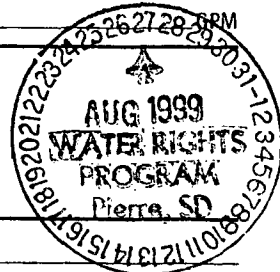
And this report is true and accurate.

Drilling firm L.T.P. Enterprises Inc.

Signature of License Representative:

Randy A. Pullen

Signature of Well Owner or Equitable Property Holder:

Date: 8-24-99

6098-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 SE 8 Twp 121 Rg 52County GRANT

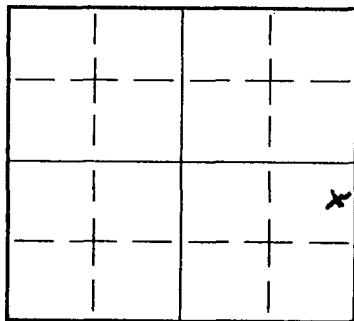
North

Please mark well location with an "X"

W

E

Well Completion Date

5-26-99

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

ROTARYCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>28.55 LB/FT</u>	<u>8 IN</u>	<u>+2 FT</u>	<u>45 FT</u>	<u>13 1/4 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>CEMENT</u>	<u>8</u>	_____ lb./gal	<u>0</u> ft	<u>20</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure PRESSURE GROUTEDSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 8 IN Length 15' FEETMaterial STAINLESS STEELSlot Size 070 Set From 45 Feet to 60 FeetOther information S.S. PLATE BOTTOMWAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How:

Laboratory sent to for water quality analysis

_____ NO, Why Not?

HIGH PRESSURE JETTINGWell Owner: CSS FARMS

Business Name: _____

Address: 3334 9TH AVE S.W.
WATER TOWN, SD. 57201

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>TOP SOIL</u>	<u>0</u>	<u>1</u>
<u>SAND & GRAVEL - BROWN</u>	<u>1</u>	<u>18</u>
<u>SAND & GRAVEL - COLORED</u>	<u>18</u>	<u>52</u>
<u>GRAVEL w/ROCKS</u>	<u>52</u>	<u>60</u>
<u>SANDY CLAY</u>	<u>60</u>	<u>82</u>

STATIC WATER LEVEL 6.25 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

- ☒ Pumped Describe: SUB. PUMP
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface

24.05 ft. After 1.75 Hrs. pumped 448 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____

REMARKS

This well was drilled under license # 381

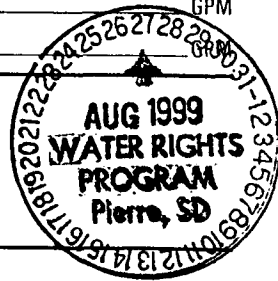
And this report is true and accurate.

Drilling firm L.T.P. Enterprises, Inc.

Signature of License Representative:

Randy A. Pullen

Signature of Well Owner or Equitable Property Holder:

Date: 8-24-99

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 415844

Pierre, August 25, 19 98

RECEIVED OF CSS Farms, Inc., 3334 - 90h Ave. SW, Watertown, SD 57201
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6098-3</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

Chief Engineer

John Hatch (P)

CSS FARMS, INC.

"Committed To Quality And Service"

RR 3 - Box 138B
Watertown, South Dakota 57201-9348
Office (605) 886-2577

FAX (605) 886-2586
Potato Storage (605) 886-9749



DENR -

Please date application for
SE $\frac{1}{4}$ of 8-121-52 ahead
of application for NW $\frac{1}{4}$ of
16-121-52.

Thanks
Milton J. Carter

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: CSS Farms applications

ADDRESS: COUNTY: Grant

DATE: August 26, 1998 TELEPHONE: 886-2577

RE: call to Milt Carter

COMMENTS:

Mr. Carter returned my telephone conversation regarding the two water right permit applications they filed.

He clarified that the well on Application No. 6098-3 is located in the NE1/4 SE1/4 of Section 8, T121N, R52W.

I told Mr. Carter that he would need to submit a letter of justification for a diversion rate greater than 1 cfs/70 acres.

Finally, I told Mr. Carter we would not be able to schedule for the October Board meeting. But that if these were not controversial applications we would publish in a manner that if no one contested the application it would be issued based on our recommendation.

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 Lundberg

sent by FAX Sept 1, 1998 @ 1:20 PM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

www.state.sd.us/denr

September 1, 1998

Milt Carter
CSS Farms
3334 9th Ave. SW
Watertown SD 57201

Dear Mr. Carter:

I am writing as a brief follow-up to our telephone conversation regarding the two pending water permit applications for CSS Farms. Since the requested amount of water for each application is above the quantity allowed by law (1 cfs/each 70 acres) you were going to send a letter of justification for the additional diversion rate. If you will recall, state law allows for a great diversion if the method of irrigation, time constraints or type of soil so requires.

I know you have written similar letters with previous applications. I'm just reminding you that we need to have a letter on file prior to proceeding with these applications.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 14, 1998

Milt Carter
CSS Farms
3334 9th Ave. SW
Watertown SD 57201

Dear Mr. Carter:

I am writing as a follow-up to our telephone conversation and the fax I sent to you on September 1st. I am still awaiting a letter justification for the additional diversion rate requested on the two pending CSS Farm's water permit applications. Since the requested amount of water requested for each application is above the quantity allowed by law (1 cfs/each 70 acres) you were going to send a letter of justification for the additional diversion rate. As I have stated previously, state law allows for a great diversion if the method of irrigation, time constraints or type of soil so requires.

I know this is a busy time of the year for you but I wanted to send you a reminder. We will not proceed with the applications until we have the letter explaining the reason for the request above the statutory limit.

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

CSS FARMS, INC.
"Committed To Quality And Service"

RR 3 - Box 138B
Watertown, South Dakota 57201-9348
Office (605) 886-2577

FAX (605) 886-2586
Potato Storage (605) 886-9749

September 19, 1998

John Hatch
Chief Engineer
Water Rights Division
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501



Re: Irrigation Permit for SE ¼ of 8-121-52 in Grant County

Dear Mr. Hatch:

I am writing to justify our request for 900 GPM (2.0 CFS) on 126 irrigated acres, which is higher than the normal 1 CFS per 70 acres (total of 1.8 CFS in this case).

Our primary purpose for developing this land for irrigation is to grow irrigated Russet Burbank potatoes for the french fry plant in Clark, SD. The soil on this quarter is predominantly Renshaw soil. This soil is ideal for growing potatoes because it is fairly sandy. However, its water holding capacity is only 0.18 to 0.20 inches per inch, and it is underlain with gravel at a depth of 18 to 24 inches. Consequently, it is necessary to use fairly light irrigations (normally 0.5 to 0.6 inches per application) to maintain uniform soil moisture conditions (which is necessary to maintain the desired shape and quality in the Russet Burbank potato) and to avoid leaching nutrients (primarily nitrogen) below the rooting zone of the potato. Therefore, we think it is necessary to have close to 7.5 gpm per irrigated acres to do an adequate job of irrigating the crop and protecting the environment.

If you have any questions, do not hesitate to call.

Sincerely,

Milton G. Carter
Secretary

REPORT ON WATER PERMIT APPLICATION NOS. 6098-3 & 6099-3

for CSS Farms

October 6, 1998

Application No. 6098-3 proposes to appropriate 2.0 cfs from one well approximately 68 feet deep located in the NE 1/4 SE 1/4 of Section 8 to irrigate 126 acres located in the SE 1/4 of Section 8; all in T121N-R52W in Grant County.

Application No. 6099-3 proposes to appropriate 2.22 cfs from one well approximately 61 feet deep located in the NW 1/4 NE 1/4 of Section 17 to irrigate 136 acres located in the NW 1/4 of Section 16; all in T121N-R52W in Grant County. Both applications are located within the former boundaries of the Sisseton Wahpeton Indian Reservation.

AQUIFER - BIG SIOUX NORTH (BS-N)

The Big Sioux North is a surficial outwash (sand and gravel) which is under water table conditions in this area. The aquifer extends into Roberts County to the north and into Day County to the west. The aquifer underlies 150 square miles and contains an estimated 350,000 acre feet of water in storage in Codington and Grant Counties (Hansen, 1990). Regionally ground water movement is from north to south with a local component toward the Big Sioux River. Under most conditions, ground water is discharging to the river but under certain hydrologic conditions recharge could occur from the river to the aquifer. Recharge estimates range from 4 to as much as 10 inches per year to the Big Sioux North aquifer (Hansen, 1990). Recharge is accomplished through direct infiltration into the aquifer of rainfall and snowmelt and from hydraulic connection with the Big Sioux River. The Big Sioux aquifer as described in the Hansen report is identical to the Big Sioux North management unit.

Test well information supplied with these applications, indicate sand or sand and gravel beginning near the land surface and extending to depths of 61 and 68 feet. The static water level was reported at 4.3 feet below land surface at the test site in Section 17. Also, a specific capacity of 23 gpm/ft of drawdown was reported at this site. Based upon these test well logs and other tests of nearby irrigation wells, the aquifer is capable of producing the amount of water requested.

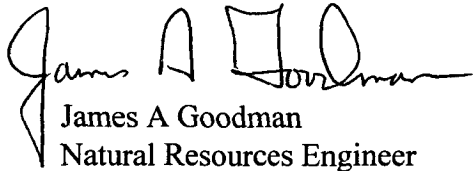
The Water Rights Program does monitor an observation well, GT-77B, which is located within one-half mile of these applications. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. A hydrograph of this well is included with this report. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1998).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing Water Permit Nos. 5968-3 and 6030-3 located within one-half mile of these applications. These existing permits and the new applications are all for CSS Farms. The well for 6098-3 is located about 1000 feet southwest of the well for Water Permit No. 5968-3. The well for 6099-3 is located about 300 feet north of the well for Water Permit No. 6030-3. Drawdown created by pumping will extend to the existing diversions, especially the well which is proposed to be located within 300 feet of an existing well. Based upon the test pumping of the existing wells it does not appear that drawdown created by pumping will cause adverse effects. However, the plan presented in application No. 6099-3 recognizes the potential of interference and proposes to rotate water usage between pivots every other year. In other words operating Water Permit No. 6030-3 and application No. 6099-3 as one system but with two diversion points.

CONCLUSIONS

1. Water is available from the Big Sioux North aquifer.
2. The aquifer is under water table conditions and drawdown created by pumping will not extend very far from individual production wells. Interference is not expected to be a concern except for application No. 6099-3 potentially affecting existing water permit No. 6030-3. The applicant is aware of this potential problem and is planning to use the two wells as one system and will minimize water use by irrigating of one of the two quarters with a less water consumptive crop.
3. The wells authorized by these applications must be constructed in accordance with SD Well Construction Standards.
4. The applicant has requested a rate of diversion which exceeds the standard of one cfs per 70 acres. This request is based upon the type of soils and the crops to be grown. This request is reasonable.



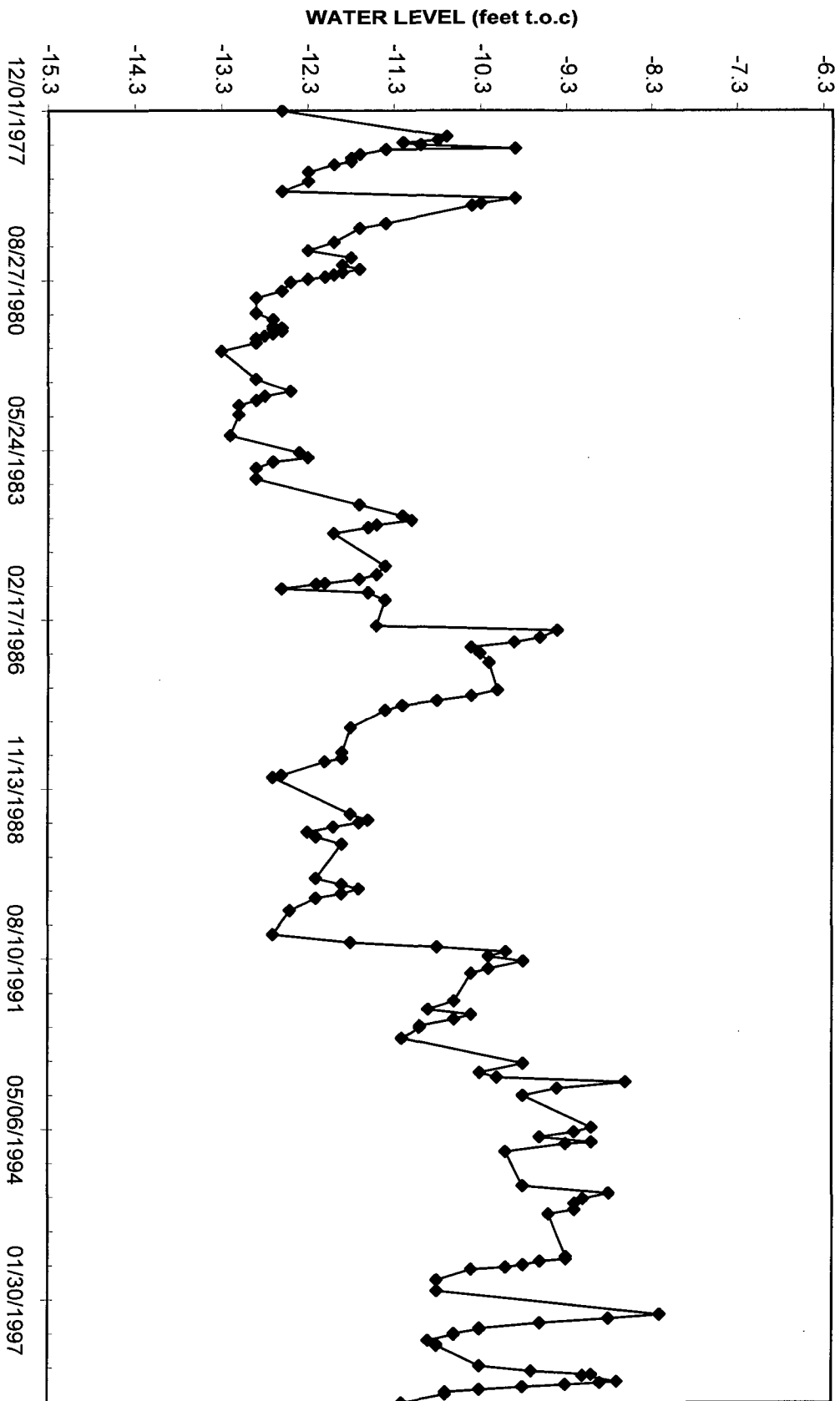
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, SD, Water Resources Investigations Report 89-4147, USGS, Huron, SD, 57350.

Water Rights, 1998. Unpublished Observation Well Records for Grant County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
GT-77B



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6098-3, CSS Farms**

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. 6098-3, CSS Farms, c/o Milton Carter, 3334 9th Avenue SW, Watertown, SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 6098-3 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) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6098-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6098-3 authorizes a maximum diversion rate of 2.00 cfs for the irrigation of 126 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
4. 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
October 19, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 28, 1998

CSS Farms
%Milton Carter
3334 9th Ave. SW
Watertown, SD 57201

Dear Mr. Carter:

Water Permit Application Nos. 6098-3 and 6099-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Grant Co. Review printed at Milbank, SD (Ph # (605) 432-4516). For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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.



October 28, 1998

Grant Co. Review
Box 390
Milbank, SD 57252-0390

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 6098-3 and 6099-3 to Appropriate Water to be published twice. Please publish the first notice on November 4, 1998, 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 CSS Farms, %Milton Carter, 3334 9th Ave. SW, Watertown, SD 57201 (Ph # (605) 886-2577).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

Nos. 6098-3 & 6099-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of October 28, 1998, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6098-3 and 6099-3 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 4, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6098-3 and 6099-3 to Appropriate Water

Notice is given that CSS Farms, c/o Milton Carter, 3334 9th Ave SW, Watertown SD 57201 has filed the following water permit applications.

Application No. 6098-3 appropriates 2.0 cubic feet of water per second from one well (Big Sioux North Aquifer) 68 feet deep located in the NE ¼ SE ¼ Section 8 to irrigate 126 acres located in the SE ¼ Section 8; all in T121N-R52W.

Application No. 6099-3 appropriates 2.22 cubic feet of water per second from one well (Big Sioux North Aquifer) 61 feet deep located in the NW ¼ NE ¼ Section 17 to irrigate 136 acres located in the NW ¼ Section 16; all in T121N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6098-3 and 6099-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 23, 1998.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Printer's Affidavit of Publication

STATE OF SOUTH DAKOTA,
COUNTY OF GRANT

ss.

Clarence Justice

of said County and State, being first duly sworn, on oath says that the Grant County Review is a legal weekly newspaper of general circulation, printed and published in Milbank, in said County of Grant and State of South Dakota, by Phyllis Justice, and has been such newspaper during the times hereinafter mentioned; that said newspaper is a legal newspaper; and that it has a bona fide circulation of more than two hundred copies weekly, and has been published within said County of Grant in the English language and has been admitted to the United States mail under second class mailing privilege, for at least one year next prior to the publication of the Notice herein mentioned, and has been printed wholly in an office maintained at the said place of publication, that I, the undersigned, Assoc. Editor of said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit; that the advertisement headed

Notice of Application Nos. 6098-3 and 6099-3 to Appropriate Water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet and is made a part of this Affidavit, was published in said newspaper at least once each week for two successive weeks, on the day of each week on which the said newspaper was regularly published, to-wit:

<u>Nov. 4</u>	<u>19 98</u>	<u>19</u>
<u>Nov. 11</u>	<u>19 98</u>	<u>19</u>
<u>19</u>		<u>19</u>

That \$ 40.73, being the full amount of the fee charged for the publication of said Notice, inures to the benefit of the publisher of the Grant County Review; that no agreement or understanding for the division thereof has been made with any person, and that no part has been agreed to be paid to any person whomsoever.

Clarence Justice

Subscribed and sworn to before me this 12th day of November 19 98

Debra Hemmer

Notary Public, Grant County, South Dakota

DEBRA HEMMER
Notary Public, GRANT COUNTY, S. DAK.
My Commission Expires OCT 27, 2003

NOTICE OF APPLICATION NOS. 6098-3 and 6099-3 to Appropriate Water

Notice is given that CSS Farms, c/o Milton Carter, 3334 9th Ave SW, Watertown SD 57201 has filed the following water permit applications.

Application No. 6098-3 appropriates 2.0 cubic feet of water per second from one well (Big Sioux North Aquifer) 68 feet deep located in the NE 1/4 SE 1/4 Section 8 to irrigate 126 acres located in the SE 1/4 Section 8; all in T121N-R52W.

Application No. 6099-3 appropriates 2.22 cubic feet of water per second from one well (Big Sioux North Aquifer) 61 feet deep located in the NW 1/4 NE 1/4 Section 17 to irrigate 136 acres located in the NW 1/4 Section 16; all in T121N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6098-3 and 6099-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 22, 1998.

The petition may be informal, but must include a statement concerning the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Nov. 4

Nov. 11



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 19 1999

CSS Farms
%Milton Carter
3334 9th Ave. SW
Watertown, SD 57201

Dear Mr. Carter:

Enclosed are Water Permit Nos. 6098-3 and 6099-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return these completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Very truly yours,

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

enclosures



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

Date 11-29-99

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

FROM: CSS Farms 3334 9th Ave SW
(name) (address)
Watertown SD 57201 605-886-2577
(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. 6098-3 & 6099-3

Water Permit No. 6098-3 + 6099-3 states that the diversion system is to be constructed by November 2003, and that the water is put to beneficial use by
(date)

November 2007
June 1999
(date)

The diversion system was completed on June 1, 1999.
(date)

Applying the water to beneficial use was completed on June 1, 1999.
(date)

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

Milton A. Carter
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 14, 2002

CSS Farms
Jim & Ray Carter
3334 9th Ave SW
Watertown SD 57201

Dear Sirs:

On July 3, 2002 the investigation of several of your water use systems, including the extent of application of water to beneficial use, as developed under the permits was completed by Mark Rath, 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. The following permits located in Grant County were inspected.

5968-3 – SW ¼ Section 9-T121N-R52W
6004-3 - NW ¼, N ½ SW ¼ Section 33-T122N-R52W
6030-3 – NE ¼ Section 17-T121N-R52W
6098-3 - SE ¼ Section 8-T121N-R52W
6099-3 – NW ¼ Section 17-T121N-R52W

Upon receipt of the \$250.00 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".

A 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
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4 November 20, 20 02

RECEIVED OF SS Farms Inc., 3334 9th Avenue SW, Watertown SD 57201

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6098-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

000085

By

David Ebel
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 17, 2003

No. 6098-3

Art Berger
14633 450th Ave
Ortley SD 57256

Dear Mr. Berger:

Thank you for returning the 2003 SD Water Use Questionnaire. The form indicates a change of ownership has occurred. Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 6098-3. The water permit is currently listed in the name of Milton or James Carter, CSS Farms, Inc. I have also enclosed a copy of the water permit for your records.

The transfer form should be checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

2003 Water Management Board Irrigation Questionnaire

Please fill out and return before December 1, 2003

No. 6098-3

MILTON G CARTER *or James Carter*
CSS FARMS, INC
3334 9TH AVE SW
WATERTOWN SD 57201

Any address corrections?

Art Berger
14633 450th Ave.
Ortley, SD 57256 605-
Telephone No. ~~605-886-2577~~ 947-4434

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352 or send your form(s) electronically over the internet at <http://www.state.sd.us/eforms/secure/eforms/E0455V2-IQ.pdf>

1. Is the system constructed? *yes ☒ no ☐

*Type of system used (check all that apply):

center pivots ☒ towlines ☐ big gun ☐

flood ☐ sprinklers ☒ other ☐

3. Is the land enrolled in CRP? *yes ☐ no ☒

*If yes, through what year? _____

4. Did you apply chemicals or fertilizer through the system in 2003? yes ☒ no ☐

5. If permitted for more than one water source, circle each source used. A. GROUNDWATER

B.

C.

2. Did you irrigate in 2003? *yes ☒ **no ☐

*If yes, number of acres irrigated 126

**If no, list reason(s) in comment box and answer No. 3:

Comment Box



BB	BA	AB	AA
B			A
BC	BD	AC	AD
CB	CA	DB	DA
C			D
CC	CD	DC	DD

1 square mile

Office use only

RECEIVED
NOV 26 2003
WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 6098-3

(see above section map for help reading legal descriptions)

sec 08-T121N-R52W, DB – 31.00 acres

sec 08-T121N-R52W, DC – 31.00 acres

sec 08-T121N-R52W, DA – 32.00 acres

sec 08-T121N-R52W, DD – 32.00 acres

126

Please provide your 2003 water use to irrigate the above acreage on the REVERSE side of this form.

For a sample completed questionnaire, please refer to the reverse side of your cover letter.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 23, 2003

6098-3

Art Berger
14633 450th Ave
Ortley SD 57256

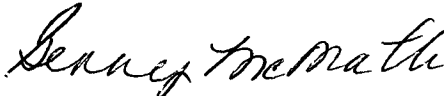
Dear Mr. Berger:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form for Water Permit No. 6098-3 (CSS Farms Inc).

Prior to transferring the water permit over to your name, statutes require that we charge a \$2.50 filing fee. The check or money order for the fee can be made payable to the Water Rights Program.

I am enclosing a postage paid envelope for your convenience in sending in the fee. If I can answer any questions for you, please contact me.

Sincerely,


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

enclosure



February 19, 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

2733-3
6098-3

Cheryl Berger
14633 250th Ave
Ortley SD 57256

Dear Mrs. Berger:

I am writing in follow-up to your note on the 2003 irrigation questionnaire for Water Right No. 2733-3. The water right is currently listed in the name of Arthur Berger. In order to keep the records up to date, the water right should be transferred to your name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

We also need to update the transfer recently filed for Water Right No. 6098-3. This is the one that was formerly listed in the name of CSS Farms. You have already sent in the fee for this transfer, we just need to have you sign a new form transferring the land to your name. I am enclosing a partially completed form for this purpose.

Thank you in advance for your help. If I can answer any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 6098-3

Date: 2-20-04

I/We request that Water Permit No. 6098-3

formerly owned by: CSS Farms Inc

be transferred to: (name & address) Cheryl Berger

14633 - 450th Ave

Ortleib, S.O. 57256 Telephone No. 947-4434

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

126 acres - SE ¼ Section 8, T121N, R52W

I/We understand that the validity of Water Permit No. 6098-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Cheryl Berger, the new owner, certify that the above information is true and correct.

Cheryl Berger
(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 and the water used, the permit becomes a right. A water right may be lost for three 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.

RECEIVED

FEB 23 2004

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 5, 2004

RECEIVED OF /Art Berger, 14633 450th Ave., Ortleby SD 57256

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 <u>6098-3</u>	2 50
Fee for _____	
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law)	
TOTAL	2.50

No. 00117

By Darland White
Chief Engineer *gm*



6098-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: CHERYL BERGER, 14633 450TH AVE, ORTLEY, SD 57256
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 2733-3 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) 6098-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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) 6098-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2733-3 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 questionnaires are received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



February 23, 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

2733-3
6098-3

Cheryl Berger
14633 250th Ave
Ortley SD 57256

Dear Mrs. Berger:

Thank you for following up on the ownership changes for Water Right No. 2733-3 and Water Permit No. 6098-3. The transfers have been completed. Nos. 2733-3 (formerly Art Berger) and 6098-3 (formerly CSS Farms, Inc.) are now listed in your name.

Enclosed are your Receipt Nos. 001177 and 001201 in the amounts of \$2.50 each. You may keep them for your records.

If I can answer any questions, please contact me.

Sincerely,

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

enclosures



January 27, 2005

6098-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

2733-3
6098-3

Cheryl Berger
14633 450th Ave
Ortley SD 57256

Dear Ms. Berger:

Enclosed are the irrigation questionnaires for Water Right/Permit Nos. 2733-3 and 6098-3.

Before the forms are considered complete, they need to have the back side of them filled out. Please fill in the columns titled "number of acres irrigated", "pump rate (in gallons per minute)", "days per month water was applied" and "average hours per day". All of the information is needed in order for us to calculate how much water was used from a particular source.

The Water Management Board hearing is March 2nd. Please complete and return the forms to us no later than **February 25, 2005**.

Sincerely,

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

enclosures

6098-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 2005

2733-3
6098-3

Cheryl Berger
14633 450th Ave
Ortley SD 57256

Dear Ms. Berger:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 2733-3 and Water Permit No. 6098-3.

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

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

Permit No. 6098-3
Big Sioux River - Water District

Contact Person & Address: **Jim and Ray Carter, 3334 9th Ave SW, Watertown SD**

Report Of Examination Of Works

On, **July 3, 2002**, I made a thorough examination of the water use system constructed by **CSS Farms** of **3334 9th Ave SW, Watertown SD** holder of Permit No. **6098-3**, bearing the priority of **August 25, 1998** authorizing the diversion of **2.0** cu. ft. per second of the waters of **ground water (Big Sioux – north)** for **irrigation** purposes, in **Grant** County.

The system is in the following condition **good**. The points of diversion are located **from the SE corner of Section 8 T121N-R52W (res) - Well #1 - 530 ft west and 1440 ft north** with a longitude of **-97.18745** and a latitude of **45.27238** and **Well #2 – 805 ft west and 1320 ft north** with a longitude of **-97.18848** and a latitude of **45.27205** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **2.12** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

All land is located in **Sec 8 T121N-R52W (res):**

NW ¼ SE ¼ - 29 ac NE ¼ SE ¼ - 23 ac SE ¼ SE ¼ - 25 ac SW ¼ SE ¼ - 33 ac

comprising a total of **110** acres of land and the license should be issued for **2.00** 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: **This permit was issued allowing for a greater diversion rate than 1 cfs per 70 acres, but limited to 2 ac-ft per year. The license should reflect this volume limitation for the 110 acres developed too.**

Report On the Specifics of the System

Diversion Point Information:

Well Information: WELL No. 1

- | | |
|--|--|
| 1) Well Drilling Firm: <u>LTP Enterprises Inc</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>60</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|------------------------------------|---------------------------------|
| 1) Diameter <u>8</u> inches | 2) Length <u>45</u> feet |
| 3) Type <u>steel</u> | |

Screen:

- | | |
|--|---------------------------------|
| 1) Type <u>stainless steel</u> | 2) Length <u>15</u> feet |
| 3) Static water level <u>6</u> feet | |

Pump:

- | | |
|-----------------------------------|-----------------------------------|
| 1) Make <u>submersible</u> | 2) Model <u>?</u> |
| 3) Size <u>?</u> | 4) Capacity <u>350</u> GPM |

Motor:

- 1) Make submersible
- 3) Horsepower rating ? hp

Well Information: WELL No. 2

- 1) Well Drilling Firm: LTP
- 3) Depth(s) 58 feet

Casing:

- 1) Diameter 12 inches
- 3) Type steel

Screen:

- 1) Type stainless steel
- 3) Static water level 5 feet

Pump:

- 1) Make submersible
- 3) Size ?

Motor:

- 1) Make submersible
- 3) Horsepower rating ? hp

- 2) Model No. ?

- 2) No. of Wells 1

- 4) Well log is available yes

- 2) Length 43 feet

- 2) Length 15 feet

- 2) Model ?

- 4) Capacity 600 GPM

- 2) Model No. ?

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC

SYSTEM TYPE:

Center pivot:

- 1) Make Valley
- 3) Number of towers 7
- 5) High or low pressure low
- 2) Overall length 1200 feet
- 4) End gun yes
- 6) Capacity 950 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate yes
- 3) Inspection port/air relief yes
- 5) Discharge is 20' from source yes
- 7) Injection pump type piston
- 9) Injection line check valve or positive displacement pump yes
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes
- 11) **Comments :** none
- 2) Main line check valve yes
- 4) Low pressure drain yes
- 6) Interlock type electric
- 8) Injection check valve yes



Mark D. Rath

Natural Resources Engineering Specialist
DENR, Water Rights Program

11-4-02

Date

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

NAME: CSS Farms

ADDRESS: 3334 9th Ave, Watertown SD

DATE: 11/20/02 COUNTY: Grant TELEPHONE: 605-886-2577

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to construct one well from the Big Sioux ,North Aquifer for irrigation. The permit holder constructed a second well into the same aquifer approximately 100 yards from the first well. Both wells are located in the E ½ SE ¼ of Section 8 T121N-R52W (res).

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**

Both wells are into the Big Sioux, North Aquifer

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

No new land is being irrigated

- **Review of Existing Diversions**

Their area a number of wells in the immediate area into this same aquifer, adverse impacts to these would not be expected.

RECOMMENDED ACTION

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



11-20-02

Mark D. Rath, Natural Resources Engineering Specialist
Water Rights Program

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

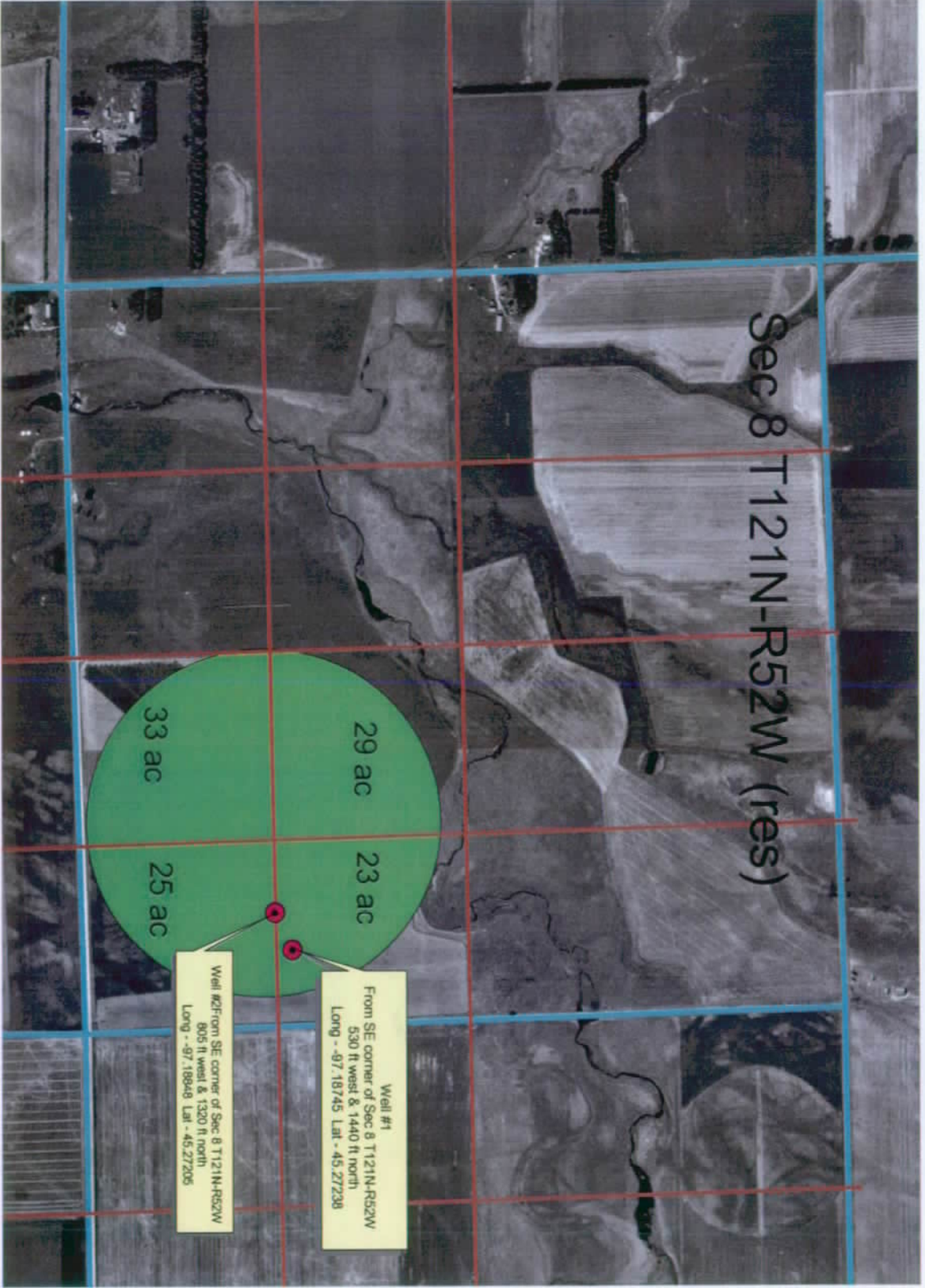
This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

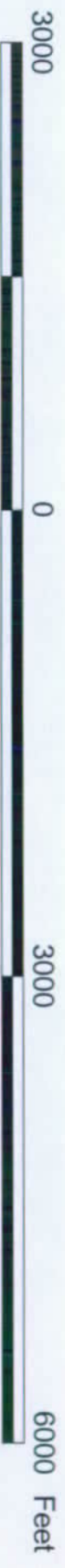


South Dakota



Well #1
From SE corner of Sec 8 T121N-R52W
530 ft west & 1440 ft north
Long - 97.18745 Lat - 45.27238

Well #2 From SE corner of Sec 8 T121N-R52W
805 ft west & 1320 ft north
Long - 97.18848 Lat - 45.27206



Mark D. Rath
Mark D. Rath
Natural Resources Engineer
SD DENR
11-4-02

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6098-3

(1) CSS Farms, 3334 9th Ave SW, Watertown SD 57201 made Application No. 6098-3, August 25, 1998 for a water permit to divert 2.0 cubic feet of water per second from groundwater (one well), Grant County, South Dakota for irrigation purposes. Permit No. 6098-3, with a priority date of August 25, 1998 was approved November 23, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 23, 2003 and for the application to beneficial use of water on or before November 23, 2007.

An investigation conducted for licensing purposes found an additional diversion point developed under Water Permit No. 6098-3. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the additional diversion point does not increase the potential for interference with existing water rights.

On February 23, 2004, Water Permit No. 6098-3 was transferred to Cheryl Berger, 14633 450th Ave, Ortleby SD 57256.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6098-3 is issued a license, bearing a priority date of August 25, 1998 to appropriate 2.0 cubic feet of water per second from groundwater (two wells) to irrigate 110 acres.

The diversion points are located: Well # 1 – 530 feet west and 1,440 feet north and Well # 2 – 805 feet west and 1,320 feet north; both from the southeast corner of Section 8-T121N-R52W (NE ¼ SE ¼). The acres authorized for irrigation are as follows:

Section 8-T121N-R52W (Res)	NW ¼ SE ¼	29 acres
	NE ¼ SE ¼	23 acres
	SE ¼ SE ¼	25 acres
	SW ¼ SE ¼	33 acres
Total 110 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6098-3 including the following qualifications:

- 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.
- The wells authorized by Permit No. 6098-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- Pursuant to SDCL46-5-6, which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6098-3 authorizes a maximum diversion rate of 2.0 cfs for irrigation of 110 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

JUL 11 2005

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 11 2005

6098-3

Cheryl Berger
14633 450th Ave
Ortley SD 57256

Dear Mr. Berger:

Enclosed is Water License No. 6098-3. This is the final water right document completing your process of obtaining a Water Right.

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,

A handwritten signature in black ink, appearing to read 'Garland Erbele'.

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

enclosures



6098-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: CHERYL BERGER, 14633 450TH AVE, ORTLEY, SD 57256

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 2733-3 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) 6098-3 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 7, 2012** 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) 6098-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2733-3 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 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:
<http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2012

2733-3

6098-3

Cheryl Berger
14633 450th Ave
Ortley SD 57256

Dear Ms. Berger:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 2733-3 and 6098-3. 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 that reads "Genny McMath".

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