

WATER PERMIT NO. 6145-3

Name of Applicant: Todd Koopal

Address: RR 2 Box 118, Geddes SD 57342

Phone: 605 337-3138

Amount of Water Claimed: 1.33 cfs (0.83 add'l)

Total Acres: 135 (65 add'l)

Source of Water Supply: runoff

Water to be used for: irrigation

County: Charles Mix

Type of Waste Disposal System: NA

Location: 3 miles northwest of Geddes

PRIORITY

Date Received: 6-2-1999

Fee: \$225

Corrected Application Received:

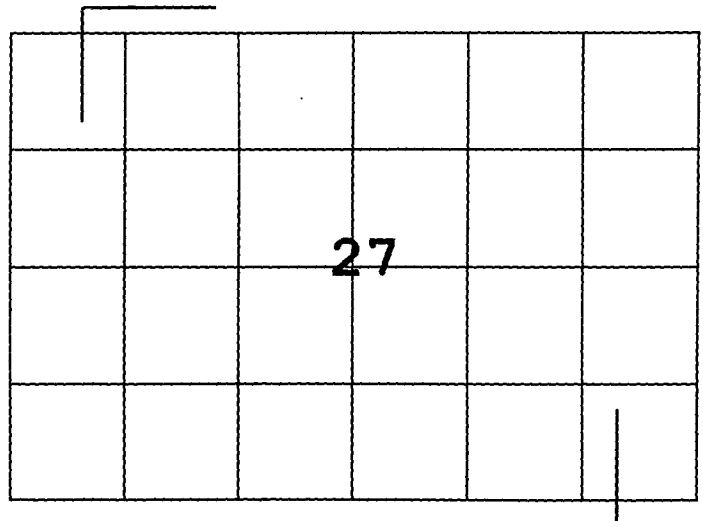
Period of Annual Use: June 1 – September 30

Remarks: Increases the acres and diversion rate authorized by No. 4306-3 (includes 16 AF storage dam and 20 AF holding pond)

Diversion Point: NW ¼ NW ¼

Sec 27-T98N-R67W

Land to be Irrigated: NW ¼ Sec 27-T98N-R67W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Barry McLaury

Reviewed and the Number Assigned on: 6-2-99

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6145-3**

Date of first receipt of application June 2, 1999.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6145-3 to Todd Koopal, RR 2 Box 118, Geddes SD 57342 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. 6145-3 appropriates 0.83 cubic feet of water per second (cfs) to irrigate 65 acres. Water Permit No. 4306-3 appropriates 0.5 cfs from a dugout located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27 to irrigate 70 acres located in the NW $\frac{1}{4}$ Section 27; all in T98N-R67W. An inspection of Permit No. 4306-3 found the system capable of diverting 1.33 cfs from a 16 acre-feet storage dam and a 20 acre-feet holding pond located in the NW $\frac{1}{4}$ Section 27 irrigating a total of 135 acres located in the NW $\frac{1}{4}$ Section 27; all in T98N-R67W.
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: June 1 – September 30.
3. The date from which applicant may claim right is June 2, 1999.
4. The date of approval of Permit No. 6145-3 is July 19, 1999.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit Nos. 4306-3 and 6145-3 authorize a dam with a storage capacity of 16 acre feet of water and a 20 acre foot holding pond.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

SEP 3 1999

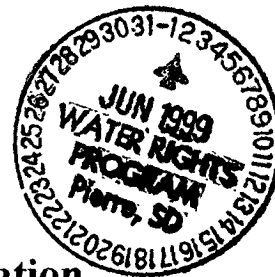
date



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>6145-3</u>	Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Platte Enterprise, Platte, SD</u>	

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

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 4306-3
 (check one) (Use predates Mar 2, 1955)

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

- Name of Applicant L. O. P. D. Sherman Koopal ☐ Owner ☐ Tenant/Lessee (check one) Phone 605 337-3138
 Mailing Address RR 2 Box 118, Geddes State 57342
 (Street, RR, or Box) (Zip Code)
- Amount of water claimed 0.83 add'l *CFS or **GPM ***AF Total Acreage 65 add'l
 (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply surface water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1,850 feet west and 130 feet south from the
N 1/4 corner of Section 27-T98N-R67W (NW 1/4 NW 1/4)
 County Charles Mix
- County or counties where water will be used Charles Mix
- Annual period during which water is to be used June 1 - September 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 NW 1/4 Sec 27-T98N-R67W	15		
SW 1/4 NW 1/4 "	40		
NE 1/4 NW 1/4 "	40		
SE 1/4 NW 1/4 "	40		

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

This application adds 65 additional acres to Water Permit No. 4306-3 with an increase of 0.83 cfs of water over the original developed diversion rate of 0.50 cfs. The location of the additional 65 acres is described within the area above. This application also includes a 16 acre-feet storage dam and a 20 acre-feet holding pond.

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 CM ^{SS}

I, TODD KOOPAL, 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 Todd Koopal

Subscribed and sworn to before me this 26 day of MARCH 1999

Charles Mix
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ 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

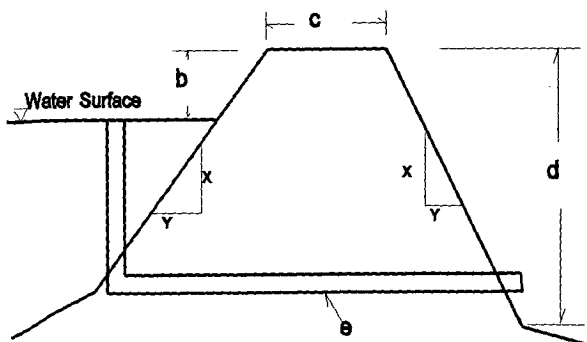
3. Dugout Information

- a) Surface Dimensions 4 acres Depth 10 feet
- b) Depth to water (ground surface to water level) NA – approximately 20 AF storage

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 2'
- c) Crest Width 25'
Crest Length 150'
- d) Height 15'
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment 2 ac
- i) Storage 16 Acre Feet
- j) Drainage Area Above Dam _____ Acres



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 24, 1993

Sherman Koopal
RR 2 Box 118
Geddes, SD 57342

Dear Mr. Koopal:

After an inspection of your Water Permit No. 4306-3 on June 9, 1993, I found that you are irrigating more acreage and diverting more water than you are permitted for.

The enclosed application is to add 65 additional acres developed outside of the area described on Permit No. 4306-3. The application also adds an additional 0.83 CFS of water, a 16 ac-ft storage dam, and a 20 ac-ft holding pond. Total area being irrigated is 135 acres. Note that Permit No. 4306-3 allowed irrigation of only 70 acres and diversion of 0.50 CFS of water.

Enclosed is an application to add the additional acreage and increase the diversion rate.

Please fill out question No. 9, and the bottom of the enclosed application. Note that the application must be signed in the presence of a Notary Public. Please return the application with an application fee of \$225.00 in the self-addressed envelope provided.

If you have any questions, feel free to contact me at 605-773-3352.

Sincerely,

Barry A. McLaury
Natural Resources Analyst
Water Rights Division
605-773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 25, 1994

Sherman Koopal
RR 2, Box 118
Geddes SD 57342

Dear Mr. Koopal:

On June 24, 1993, you were sent applications forms for a permit to appropriate water based on an inspection of Water Permit No. 4306-3 by Barry McLaury, from this office. This inspection showed that your system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding this application.

Enclosed is another partially completed application form. Please review the application and have it signed and notarized. Return the application with any additional information requested in the first letter to you.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit No. 4306-3 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Division
Phone: (605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 2, 1994

Sherman Koopal
RR 2, Box 118
Geddes SD 57342

Dear Mr. Koopal:

On June 24, 1993 and April 25, 1994, you were contacted regarding Water Permit No. 4306-3. Permit No. 4306-3 appropriated 0.5 cubic feet of water per second (cfs) to irrigate 70 acres. This permit was inspected on June 9, 1993 by Barry McLaury, with this office. Based on the inspection, you were irrigating 135 acres and diverting at a rate of 1.33 cfs. You were then informed that a water permit is required for the additional 65 acres being irrigated and the 0.80 cfs additional diversion rate.

Enclosed is another set of partially completed application forms and the letter dated June 24, 1993, which explains specifically why the application is necessary. Please review the application and have it signed and notarized. The filing fee for this application will be \$225.00. You will also be responsible for the publication notice in your local newspaper.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit No. 4306-3 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Environmental Scientist
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 7, 1997

Sherman Koopal
RR 2 Box 118
Geddes SD 57342

Dear Mr. Koopal:

In June 1993, Barry McLaury with our office inspected Water Permit No. 4306-3. This inspection found you were irrigating more acreage and diverting more water than the permit authorized. Several letters have been sent regarding this.

Water Permit No. 4306-3 authorized irrigation of 70 acres and a diversion rate of 0.50 cubic feet of water per second (cfs). The inspection found a total 135 acres being irrigated. Enclosed is a partially completed application which includes the additional 65 acres developed, adds an additional 0.83 cfs (for a total of 600 gpm), a 16 acre-feet storage dam, and a 20 acre-feet holding pond.

Please check this application over, and have it signed and notarized. The application fee to irrigate 65 additional acres is \$225.00. After this application has been approved, the water license can be issued. The water license is the final document which completes the process of obtaining a water right. The fee for issuance of the water license is \$50.00.

Mr. Koopal, please take the time to complete and return the application. It is important that our records reflect your current water use in accordance with state statutes.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 23, 1999

Todd Koopal, Operator
RR 1 Box 118
Geddes SD 57342

Dear Mr. Koopal:

In June, 1993, Barry McLaury with this office investigated Water Permit No. 4306-3 and found more water being diverted and more acres being irrigated than authorized by the permit. Several letters have been sent to Sherman Koopal regarding the need for an additional permit.

Water Permit No. 4306-3 authorized irrigation of 70 acres and a diversion rate of 0.50 cubic feet of water per second (cfs). The investigation found a total of 135 acres being irrigated. Enclosed is a partially completed application which includes the additional 65 acres developed, adds an additional 0.83 cfs (for a total of 600 gpm), a 16 acre-feet storage dam and a 20 acre-feet holding pond.

Please complete the form, make any necessary changes, have it signed and notarized and return the application along with the \$225.00 application fee and the \$50.00 licensing fee (total of \$275.00). You should be aware that you will be responsible for payment of the public notice in a local newspaper. After the application has been approved, the water license can be issued. The water license is the final document which completes the process of obtaining a water right.

Mr. Koopal, please take the time to complete and return the application. Obtaining a water permit that accurately reflects your water use benefits you by protecting your right to use water.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352

enclosure

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416132

Pierre, June 2, 1999

RECEIVED OF Cecil or Todd Koopal, RR 1, Box 12, Geddes, SD 57342
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 6145-3 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. 6145-3	50	00
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for		
(Any Other Work Provided by Law)	Total	275 00

By

Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 19, 1999

Todd Koopal
RR 2 Box 118
Geddes SD 57342

Dear Mr. Koopal:

We are in the process of preparing the water license for irrigation of the NW ¼ Section 27-T98N-R67W. Water Permit No. 4306-3 will be incorporated into Water Permit No. 6145-3.

In order to issue the water license, both permits need to be listed under the same name. It is my understanding that you are the owner of the land covered by these permits. Enclosed is a *Notice of Transfer of Ownership* form to transfer Water Permit No. 4306-3 from Sherman Koopal to you. The form needs to be completed, signed by the owner, notarized and returned with a \$2.50 filing fee.

If you are not the owner of the land in the NW ¼ Section 27, please let Genny McMath or me know who the owner is, so the transfer can be completed properly and the water license issued.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

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

REPORT ON WATER PERMIT APPLICATION NO. 6145-3

Todd Koopal

June 15, 1999

Application No. 6145-3, Todd Koopal, proposes to appropriate 0.83 cubic feet of water per second (cfs) from a 16 acre-foot dam and a 20 acre-foot holding pond (both located in the NW ¼ Section 27 T98N-R67W) to irrigate 65 acres located in the NW ¼ Section 27 T98N-R67W. The water will be used for irrigation. The project is located approximately 4 miles northwest of Geddes in Charles Mix County.

Review of the Project

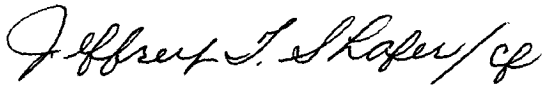
Water Permit No. 4306-3, Sherman Koopal, appropriated 0.5 cfs from a dugout located in the NW ¼ NW ¼ Section 27 T98N-R67W to irrigate 70 acres located in the NW ¼ Section 27 T98N-R67W. An inspection of Water Permit No. 4306-3 found the system capable of diverting 1.33 cfs from a 16 acre-foot dam and a 20 acre-foot holding pond (both located in the NW ¼ Section 27 T98N-R67W) and irrigating a total of 135 acres located in the NW ¼ Section 27 T98N-R67W. This application seeks to appropriate the additional 0.83 cfs from the dam and holding pond to irrigate the 135 acres (65 additional) and does not seek any increase in the developed diversion rate.

Review of Water Source and Existing Water Rights

The dam is located on Pease Creek. There are no other Water Rights on Pease Creek.

Conclusions

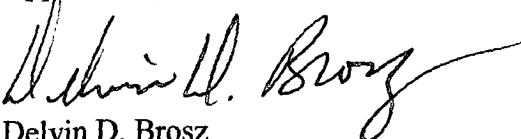
1. Water Permit No. 4306-3 appropriated 0.5 cfs from a dugout to irrigate 70 acres of land.
2. This application proposes to divert an additional 0.83 cfs (1.33 cfs total) from a 16 acre-foot storage dam and 20 acre-foot holding pond and irrigate an additional 65 acres (135 total) of land.
3. This application does not propose any increase in the developed diversion rate.
4. There are no other existing Water Rights on the proposed water source (Pease Creek).



Jeffrey T. Shafer

Natural Resources Engineer II

Approved by:



Delvin D. Brosz

Natural Resources Engineer IV

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6145-3, Todd Koopal**

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. 6145-3, Todd Koopal, RR 2 Box 118, Geddes SD 57342.

The Chief Engineer is recommending APPROVAL of Application No. 6145-3 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. Water Permit Nos. 4306-3 and 6145-3 authorize a dam with a storage capacity of 16 acre feet of water and a 20 acre foot hold pond.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
June 21, 1999



**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.**

June 22, 1999

Todd Koopal
RR 2, Box 118
Geddes, SD 57342

Dear Mr. Koopal:

Water Permit Application No. 6145-3 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 Platte Enterprise printed at Platte, SD (Ph # (605) 337-3101). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 22, 1999

Platte Enterprise
Box 546
Platte, SD 57369-0546

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6145-3 to Appropriate Water to be published twice. Please publish the first notice on July 1, 1999, 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 Todd Koopal, RR 2, Box 118, Geddes, SD 57342 (Ph # (605) 337-3138).

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-----

No. 6145-3

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

Date _____

We are in receipt of your letter of June 22, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 6145-3 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 July 1, 1999, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6145-3 to Appropriate Water
and to Amend Water Permit No. 4306-3

Notice is given that Todd Koopal, RR 2, Box 118, Geddes SD 57342 has filed an application for a water permit to appropriate 0.83 cubic feet of water per second (cfs) and to irrigate 65 acres. Water Permit No. 4306-3 appropriates 0.5 cfs from a dugout located in the NW ¼ NW ¼ Section 27 to irrigate 70 acres located in the NW ¼ Section 27; all in T98N-R67W. An inspection of Permit No. 4306-3 found the system capable of diverting 1.33 cfs from a 16 acre-feet storage dam and a 20 acre-feet holding pond both located in the NW ¼ Section 27 irrigating a total of 135 acres located in the NW ¼ Section 27; all in T98N-R67W. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6145-3 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 July 19, 1999.

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.



THE PLATTE ENTERPRISE
Platte, South Dakota 57369
Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF CHARLES MIX)ss.

Sharon Huizenga, being duly sworn, deposes and says: That she is a resident of Charles Mix County, and State of South Dakota; that The Platte Enterprise is a weekly newspaper of general circulation, printed and published in the City of Platte, in said County and State, published once a week, printed in the English language, and has a bona fide circulation of 200 copies weekly, has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication of the annexed notice, and said newspaper is printed either in whole or in part in the office maintained at the above place of publication, that the said newspaper has been published as aforesaid continuously for more than one year last preceding the publication of said noticed, and is a legal newspaper.

That the affiant is the publisher of said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit; and that the notice and advertisement headed

Notice of Application No. 6145-3 a printed copy of which is hereunto attached, was printed and published in The Platte Enterprise for two issues, the first publication being made on Thursday, the 15th day of July, A.D., 19 99 and the succeeding publications were made severally on

Thursday, the _____ day of _____ A.D., 19 _____
Thursday, the _____ day of _____ A.D., 19 _____
Thursday, the _____ day of _____ A.D., 19 _____
Thursday, the _____ day of _____ A.D., 19 _____
Thursday, the _____ day of _____ A.D., 19 _____
Thursday, the _____ day of _____ A.D., 19 _____

and the last publication being made on Thursday, 8th day of July, A.D. 19 99

That the publication fee for publishing said notice is the sum of \$ _____.

Subscribed and sworn to before me this 16th day of July, A.D. 19 99
Sharon Huizenga
Salvador Johnson
Notary Public in and for Charles Mix County, S.D.
My commission expires 8-12, A.D. 19 99

Charles Mix Co., South Dakota
Thursday, July 8, 1999

NOTICE OF APPLICATION
NO. 6145-3

To Appropriate Water and to Amend Water Permit No. 4306-3
Notice is given that Todd Koopal, RR2, Box 118, Geddes SD 57342 has filed an application for a water permit to appropriate 0.83 cubic feet of water per second (cfs) and to irrigate 65 acres. Water Permit No. 4306-3 appropriates 0.5 cfs from a dugout located in the NW1/4NW1/4 Section 27 to irrigate 70 acres located in the NW1/4 Section 27; all in T98N-R67W. An inspection of Permit No 4306-3 found the system capable of diverting 1.33 cfs from a 16 acre-foot storage dam and a 20 acre-foot holding pond both located in the NW1/4 Section 27 irrigating a total of 135 acres located in the NW1/4 Section 27; all in T98N-R67W. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6145-3 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 July 19, 1999.

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

Nettie H. Myers, Secretary,
Department of Environment
And Natural Resources
(July 1,7)

Permit No. 4306-3
Missouri River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Sherman Koopal of RR 2 Box 118, Geddes, SD 57342 holder of Permit No. 4306-3, bearing the priority of July 27, 1978 authorizing the diversion of 0.50 cu. ft. per second of water from surface water for irrigation purposes, in Charles Mix County.

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

A. Works used to divert the water:

Oldsmobile V-8
Propane gas
130 HP

Berkeley Pump
MN BJ6
1200 GPM

B. Works used to transport water to place of use:

DISTRIBUTION LINES OR CANALS:

1) Type <u>Aluminum</u>	2) Size <u>8</u> inches	3) Length <u>5000</u> feet
1) Type <u>Rubber</u>	2) Size <u>4</u> inches	3) Length <u>660</u> feet

C. Works used to apply water to beneficial use:

Big Gun:

Travelor
1.5" nozzle
600 GPM

Gravity:

Length 900 feet gated pipe
Diameter 6 inches
Spacing of gates 30 inches

The system is in the following condition good. The point of diversion is located 130 feet S and 2400 feet W from the N1/4 corner of Section 27 T98N-R67W (NW1/4 NW1/4). The works are capable of diverting and conveying to the place of use 2.66 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:

<u>T98N-R67W</u>	<u>Section 27</u>	<u>NW1/4 NW1/4</u>	<u>15 acres</u>
		<u>NE1/4 NW1/4</u>	<u>40 acres</u>
		<u>SW1/4 NW1/4</u>	<u>40 acres</u>
		<u>SE1/4 NW1/4</u>	<u>40 acres</u>
		Total	135 Acres

comprising a total of 135 acres of land and the license should be issued for 1.33 cfs.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None

Inspected **June 23, 1993** by Barry A McLaury, Environmental Scientist. Based on the inspection, Water Permit No. 6145-3 was submitted to include the additional water appropriated and the additional acres irrigated.

This inspection report has been reviewed by:



Ron Duvall
Natural Resources Engineer
Water Rights Program

8/12/99
date

REPORT ON INSPECTION OF PERMIT NO. 4306-3

DATE: June 9, 1993

Other permit(s) associated with the project: NA

DIVERSION POINT LEGAL LOCATION: 130 feet S and 2400 feet W of the N1/4 corner of Section 27 T98N-R67W (NW1/4 NW1/4).

Pump:

- 1) Make Berkeley
- 2) Model BJ6
- 3) Impeller 6"
- 4) Capacity 1200 GPM

Motor:

- 1) Make Oldsmobile
- 2) Type V-8 Propane
- 3) Horsepower rating 130 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum
- 2) Size 8 inches
- 3) Length 5000 feet
- 1) Type Rubber
- 2) Size 4 inches
- 3) Length 660 feet

SYSTEM TYPE:

Gun:

- 1) Make Travelor
- 2) Nozzle size 1.5 inches
- 3) Capacity 600 GPM
- 4) Hose size 4 inches

Gravity:

- 1) Length 900 feet gated pipe
- 2) Diameter 8 inches
- 3) Spacing of gates 30 inches

DAM INFORMATION:

- 1) Height to crest 15 feet
- 2) Height to primary spillway 13 feet
- 3) Height to secondary spillway NA ft
- 4) Crest width 25 feet
- 5) Crest length 150 feet
- 6) Spillway length 50 feet
- 7) Spillway width 75 feet
- 8) Approx. storage 16 ac-ft
- 9) Approx. storage to crest ac-ft
- 10) Date constructed:
- 11) Category of Dam III
- 12) Inspection Sheet Completed Y/N
- 13) Name of Contractor Gary VanderPol
Construction

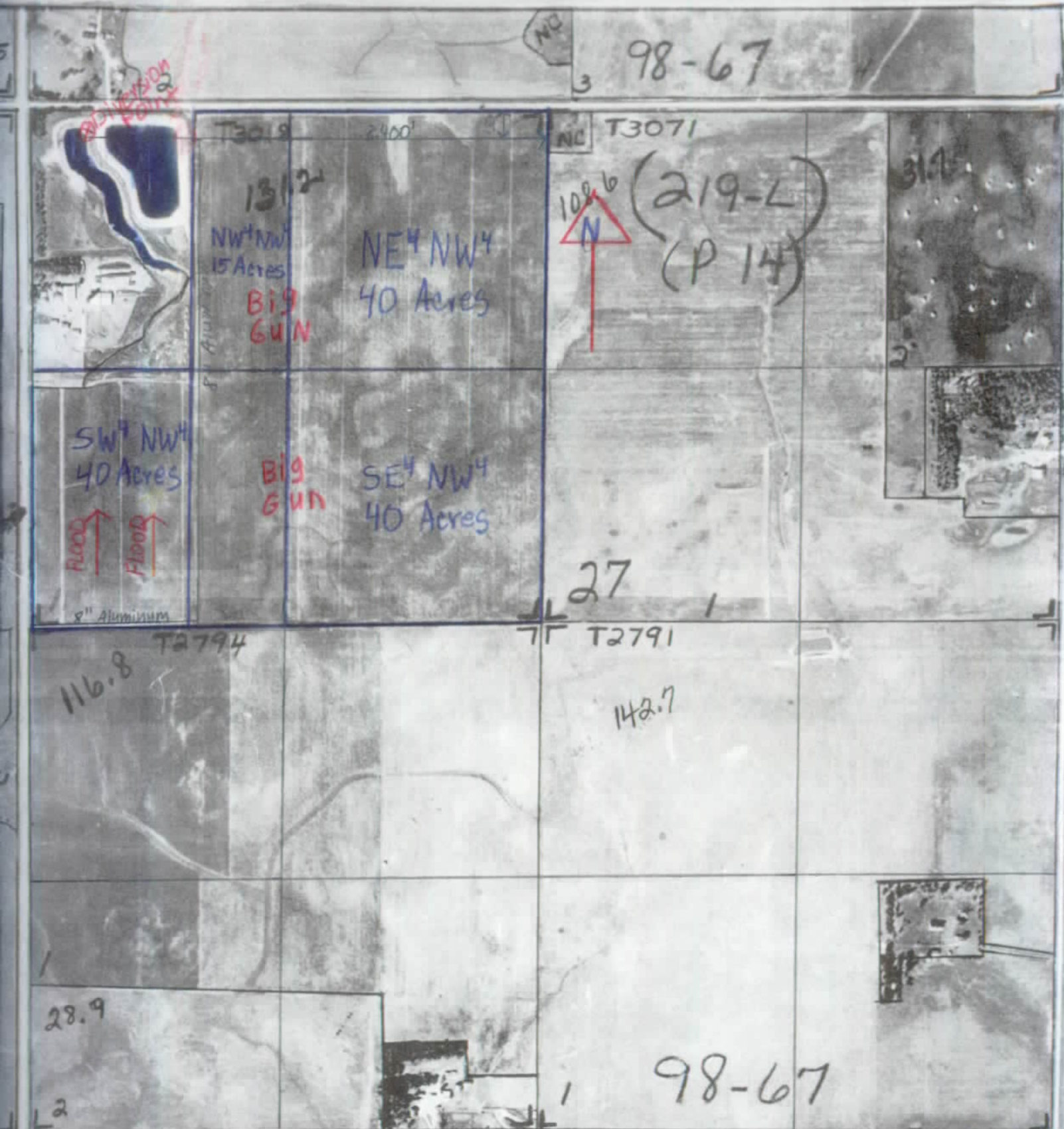
CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

**PERMIT QUALIFICATIONS AND
REGULATIONS:**

- 1) Soil and water permit lands agree with lands
being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided
by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to
determine if permit owner started irrigation
by the end of construction period Y

NOT TO SCALE



Barry McLaury *Barry McLaury*
 Natural Resources Analyst
 Division of Water Rights
 Date June 23, 1993

6145-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6145-3

(1) Todd Koopal, RR 2 Box 118, Geddes SD 57342 made Application No. 6145-3, June 2, 1999 for a water permit to divert 0.83 cubic feet of water per second (cfs) from a 16 acre-feet storage dam and a 20 acre-feet holding pond, Charles Mix County, South Dakota for irrigation purposes. Permit No. 6145-3, with a priority date of June 2, 1999 was approved July 19, 1999 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

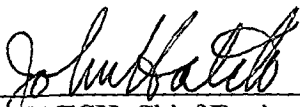
Water Permit No. 4306-3, a priority date of July 27, 1978, authorized diversion of 0.5 cfs to irrigate 70 acres. The applicable portions of No. 4306-3 are incorporated into this Water License No. 6145-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.33 cubic feet of water per second for beneficial use. The location of the diversion point is 130 feet south and 2,400 feet west from the north quarter corner of Section 27-T98N-R67W (NW ¼ NW 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 27-T98N-R67W	NW ¼ NW ¼	15 acres
	NE ¼ NW ¼	40 acres
	SW ¼ NW ¼	40 acres
	SE ¼ NW ¼	40 acres
Total 135 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Todd Koopal, RR 2, Box 118, Geddes SD 57342 the holder and/or owner of Incorporated Water Right No. 6145-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from a 16 acre-feet storage dam and a 20 acre-feet holding pond with priority dates of July 27, 1978 (0.5 cfs) and June 2, 1999 (0.83 cfs) 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 Incorporated Water Right No. 6145-3 and subject to South Dakota State Law.


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

SEP 3 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 3 1999

6145-3

Todd Koopal
RR 2, Box 118
Geddes, SD 57342

Dear Mr. Koopal:

Enclosed are Water Permit and Water License No. 6145-3. Water License No. 6145-3 is the final document which completes the process of obtaining a water right. Also enclosed is Receipt No. 416171 for \$2.50 which you paid for the transfer of ownership on Water Permit No. 4306-3.

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.

Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of No. 4306-3 are incorporated into this Water License No. 6145-3.



6145-3

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 24, 2006

NOTICE

TO: TODD KOOPAL, 28318 371ST AVE, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6145-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 6145-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 6145-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 5111

Your item was delivered at 2:17 pm on January 25, 2006 in GEDDES, SD 57342. The item was signed for by T KOOPAL.

[Shipment Details >](#)

Track & Confirm

Enter label number:

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U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 5111

TODD KOOPAL
28318 371ST AVE
GEDDES SD 57342

Waiver of Signature ☐ YES ☐ NO

Postmark
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PS Form 3800, May 2002

(See Reverse)



**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 30, 2006

6145-3

Todd Koopal
28318 371st Ave
Geddes SD 57342

Dear Mr. Koopal:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 6145-3.

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Todd Koopal, 28318 371st Ave, Geddes SD 57342

DATE: June 3, 2010

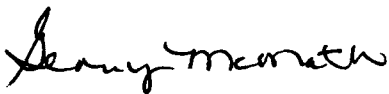
TELEPHONE: 605 337-3138

RE: status of use under Water Right No. 6145-3

COMMENTS:

A review of past irrigation questionnaires submitted by Mr. Koopal found he has not irrigated for approximately 11-12 years. Some of the questionnaires indicated a lack of water and some say "use abandoned". I called Mr. Koopal to find out if he had abandoned the use of irrigation on the land or if he did not irrigate due to lack of water.

He indicated he has not irrigated due to lack of water and wished to maintain his water right. He said he may or may not irrigate again, he had not decided. Lack of water when he needed it sounded like the main reason he has not irrigated.



Genny McMath
Water Rights Program