

WATER PERMIT NO. 6192-3

Name of Applicant: **Berne B Bahnson**

Address: **26534 North Shore Place, Hartford SD 57033**

Phone: **605 526-6424**

Amount of Water Claimed: **0.444 cfs**

Total Acres: **10 acres**

3.413 cfs

Source of Water Supply: **Big Sioux River**

Water to be used for: **irrigation**

County: **Lincoln**

Type of Waste Disposal System:

Location: **5 miles northeast of Harrisburg**

PRIORITY

Date Received: **3-30-2000**

Fee: **\$150**

Corrected Application Received::

Period of Annual Use: **June 1 – September 30**

Remarks: **requesting more water than statutory limit**

Diversion Point: **approximate center of**

SE ¼ Sec 11-T100N-R49W

Land to be Irrigated: **S ½ SE ¼**

(Bahnson Tract I) Sec 11-T100N-R49W

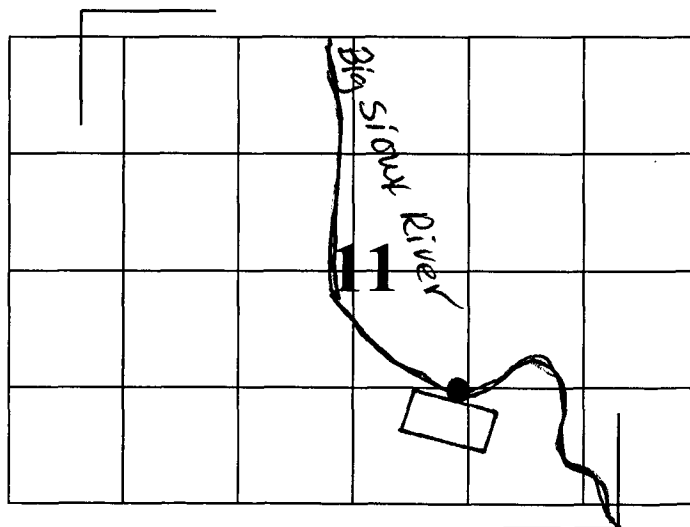
Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **topo**

Prepared by: **Brian top, NRCS**



Reviewed and the Number Assigned on: **3-30-2000**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6192-3**

Date of first receipt of application March 30, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6192-3 to Berne B. Bahnson, 26534 N Shore Place, Hartford SD 57033 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. 6192-3 to appropriate 0.143 cubic feet of water per second (65 gallons per minute) from the Big Sioux River located in the approximate center of the SE ¼ Section 11 to irrigate 10 acres located in the S ½ SE ¼ (Bahnson tract I) Section 11; all in T100N-R49W.
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 March 30, 2000.
4. The date of approval of Permit No. 6192-3 is May 15, 2000.
5. One-fifth of the construction is to be completed on or before November 15, 2002.
6. All construction is to be completed on or before May 15, 2005.
7. Water is to be put to beneficial use on or before May 15, 2009.
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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JUN 05 2000

date





Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>6192-3</u>	Hydrologic Unit <u>1070203</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Sioux Valley News, Canton, 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.) _____

1. Name of Applicant BEANE B. BAHNSON Phone 605 526 6424
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 26534 NORTH SHORE PLACE HARTFORD State SD 57033
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.143 *CFS or 65 **GPM ***AF Total Acreage 10
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply BIG SIOUX RIVER
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SEC 11 T2N100N R49W
(approximate center SE1/4) County LINCOLN COUNTY
5. County or counties where water will be used LINCOLN COUNTY
6. Annual period during which water is to be used JUNE 1 THROUGH SEPTEMBER 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
BAHNSON TRACT I SEC 11 LINCOLN CO.	10		
5 1/2 SE 1/4 SEC. 11-T100N-R49W			

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

RAISE WATER FROM BIG SIOUX RIVER, TRANSFER APPROXIMATELY 50 YARDS TO BAHNSON TRACT I SEC 11 LINCOLN CO. AND DISPERSE OVER APPROXIMATELY 10 ACRES THROUGH A GRAVITY DRAINAGE SYSTEM (PERFORATED PVC PIPE). WOULD IRRIGATE ONCE WEEKLY FOR APPROXIMATELY 2-3 HRS. JUNE - SEPTEMBER DEPENDING ON RAINFALL. TRANSFER FROM THE RIVER TO THE FIELD WILL BE THROUGH A PVC PIPE WHICH ALREADY EXISTS UNDERGROUND. 10 ACRE FIELD IS ENCLOSED BY A DEEM. (SEE MAP)

STATE OF SOUTH DAKOTA) SS

County of LINCOLN)

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)

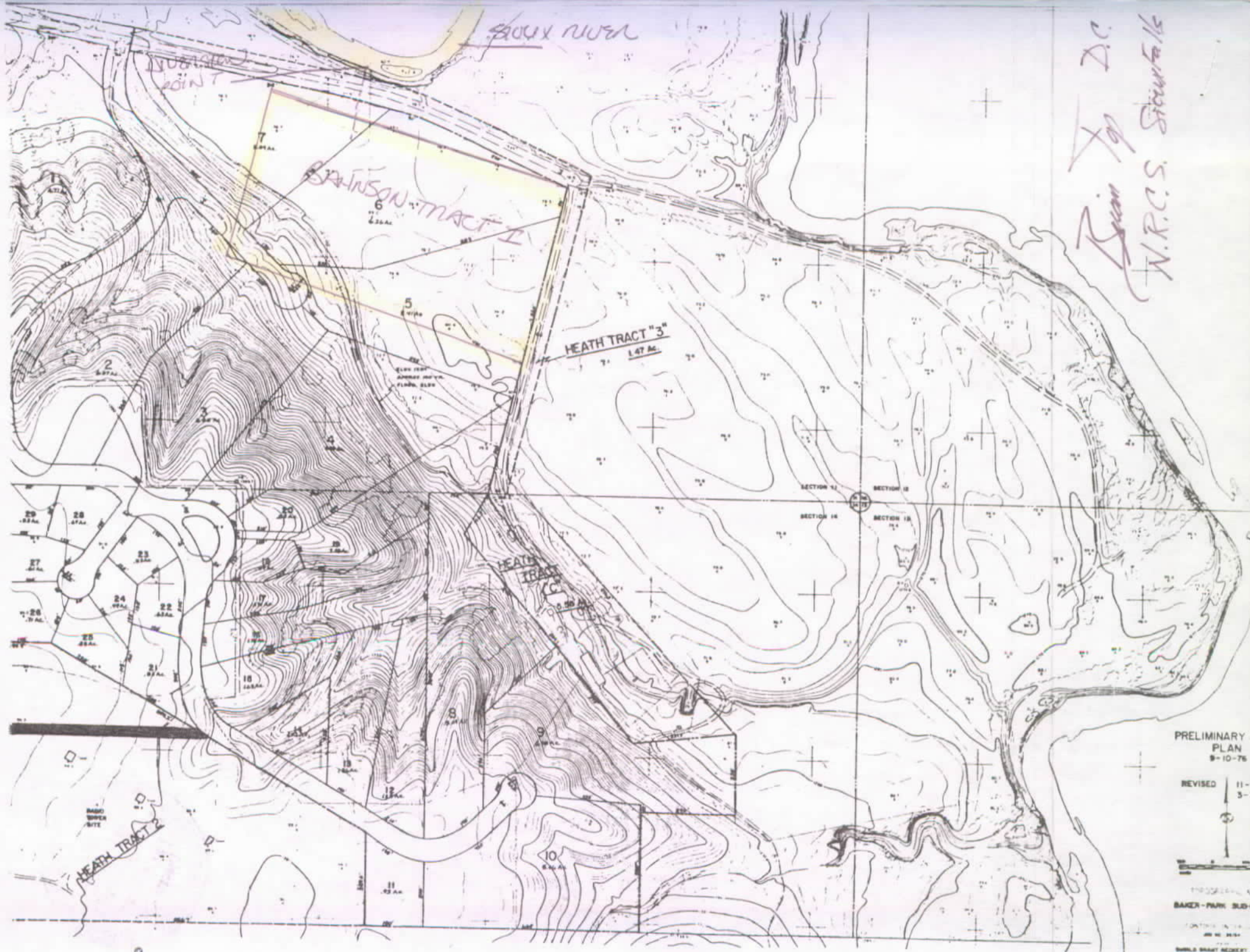
I, BEANE B. BAHNSON, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Beane B. Bahnsen

Subscribed and sworn to before me this 27th day of March 2000

Michelle Mettler

Notary Public signature



Kevin Top DC
W.R.C.S. Shaw Falls

PRELIMINARY
 PLAN
 9-10-76

REVISED 11-5-76

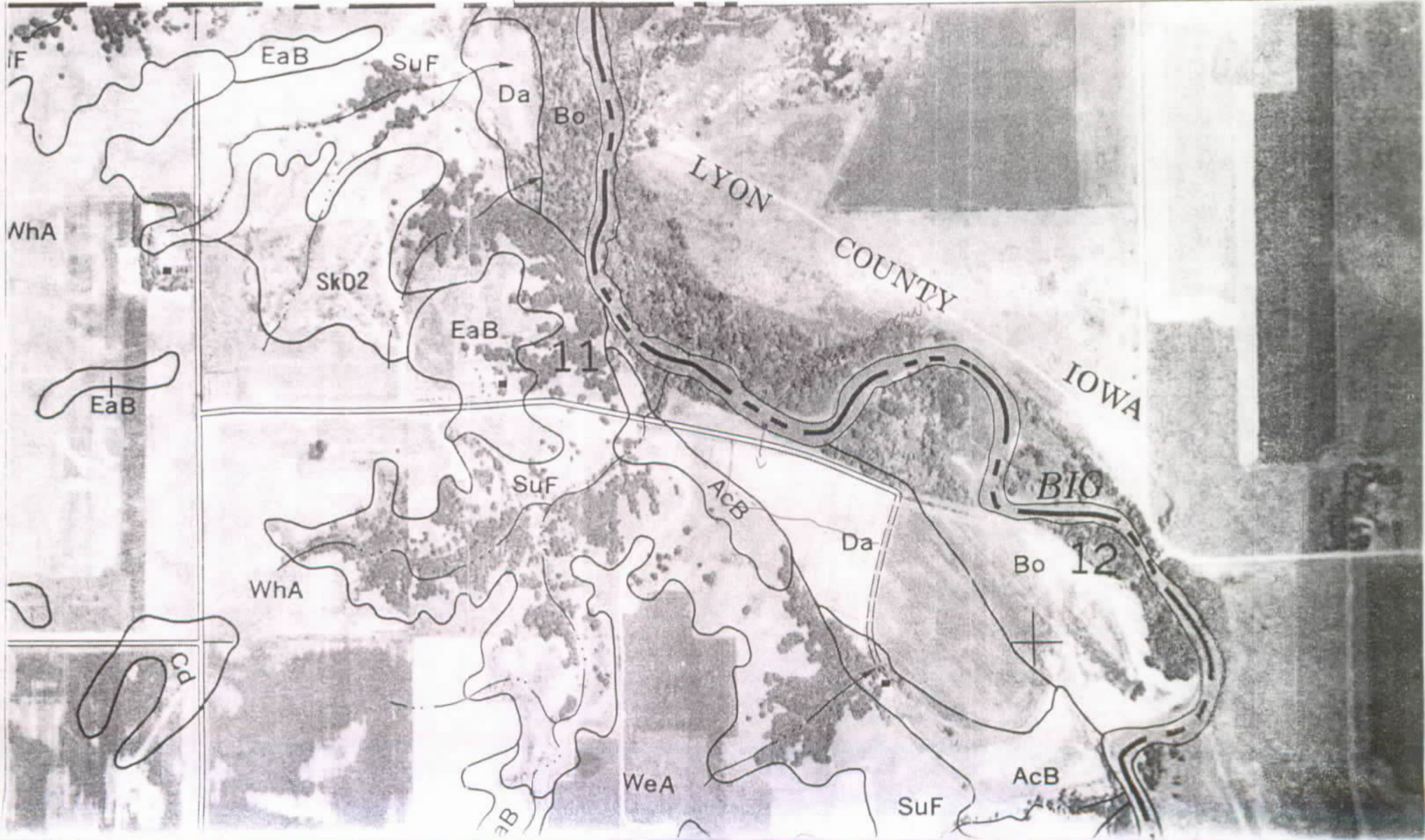
PROPOSED BY
 BAKER-PARK SUB-C
 CONTRACT NO. 11-1
 JOB NO. 24-24
 SHAW'S BRANT RESORT
 Shaw's Brant Resort, Inc.
 Shaw's Brant, Inc.

6192-3

Brain Top D.C.
N.R.C.S. Sioux Falls



MINNEHAHA COUNTY



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416453

Pierre, March 30, 2000

RECEIVED OF Bernie E. Bahmson, 26534 North Shore Place, Bartford, SD 57033
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6192-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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>6192-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	200 00

By Harold E. Ebel
Chief Engineer

Water Rights Program - File Documentation

NAME: Berne Bahnson

ADDRESS: 26534 N. Shore Place, Hartford, Sd 57033

DATE: 4/3/00

TELEPHONE: 605 526 6424

RE: Appropriation Change to Application

COMMENTS: The applicant, Berne Bahnson, claimed 0.444 cfs from the Big Sioux River to irrigate 10 acres on his application. Spoke with Mr. Bahnson and advised that the statutory limit is 1/70 cfs per acre which would be 0.143 cfs maximum for 10 acres. He stated that he only planned on pumping to flood his bermed 10 acres and then shut down and was agreeable to lowering the rate to 0.143 cfs on his application.


Donald E. Stroup
Natural Resources Engineer

REPORT ON WATER PERMIT APPLICATIONS NO. 6192-3

Berne Bahnson

April 10, 2000

Water Permit Application No. 6192-3, Berne Bahnson, proposes to appropriate 0.143 cubic feet of water per second (65 gpm) from the Big Sioux River in Lincoln County to irrigate 10 levee enclosed acres in the S ½ SE ¼ of Section 11, T100N-R49W (Bahnson Tract I). Diversions for the proposed project would take place for 2 to 3 hours each week during the period June 1st through September 30th each year. The diversion point is at the approximate center of the SE ¼ of Section 11, T100N-R49W. (Attachment 1).

Review of Water Source and Existing Water Rights

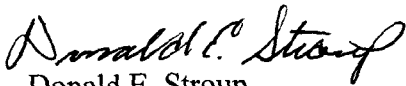
The water source for the proposed project is the Big Sioux River in Lincoln County, SD. The Big Sioux River flows south from its origin north of Watertown, SD to the Missouri River near Sioux City, IA. Just south of Sioux Falls, SD the Big Sioux River forms part of the border between South Dakota and Iowa.

From 1944 to 1960 and 1971 to 1998 the U.S. Geological Survey's (USGS) Sioux Falls, SD Cliff Avenue stream flow gauge registered Big Sioux River flows with a median of 155 cubic feet per second (cfs), a maximum of 20,700 cfs, and a low of 0.5 cfs (Attachment 2). The monthly median hydrograph (Attachment 3) shows there is a 50 percent probability the flow in the Big Sioux River will be 106 cfs or greater during a June 1st through September 30th interval. There is a 75 percent probability the flow in the Big Sioux River will be 40 cfs or greater during the same interval. An addition flow of 12 to 13 million gallons per day (19-20 cfs) is added to the Big Sioux River downstream from the Cliff Avenue stream gauge by the Sioux Falls, SD wastewater treatment plant.

From the proposed project location downstream to the Missouri River there are 12 existing water rights/permits with diversions totaling 31.16 cfs from the Big Sioux River. The median hydrograph probabilities show that if this application is approved there should be adequate flow in the Big Sioux River for the downstream senior water right holders and the Bahnson Tract I claim during the June 1st through September 30th interval. Adverse impacts to existing water rights/permits would not be expected except under extreme conditions.

Conclusions

1. Water Permit Application No. 6192-3, Berne Bahnson, proposes to divert 0.143 cfs (65 gpm) from the Big Sioux River for irrigation purposes.
2. The 50 and 75 percent flow probabilities calculated from the USGS Sioux Falls, SD historical stream flow data plus the Sioux Falls wastewater treatment plant flow show adequate water in the Big Sioux River for the project and downstream senior water rights holders during the proposed irrigation interval. Adverse impacts to existing water rights/permits would not be expected except under extreme conditions.



Donald E. Stroup
Natural Resources Engineer I
Water Rights Program

Reviewed by:

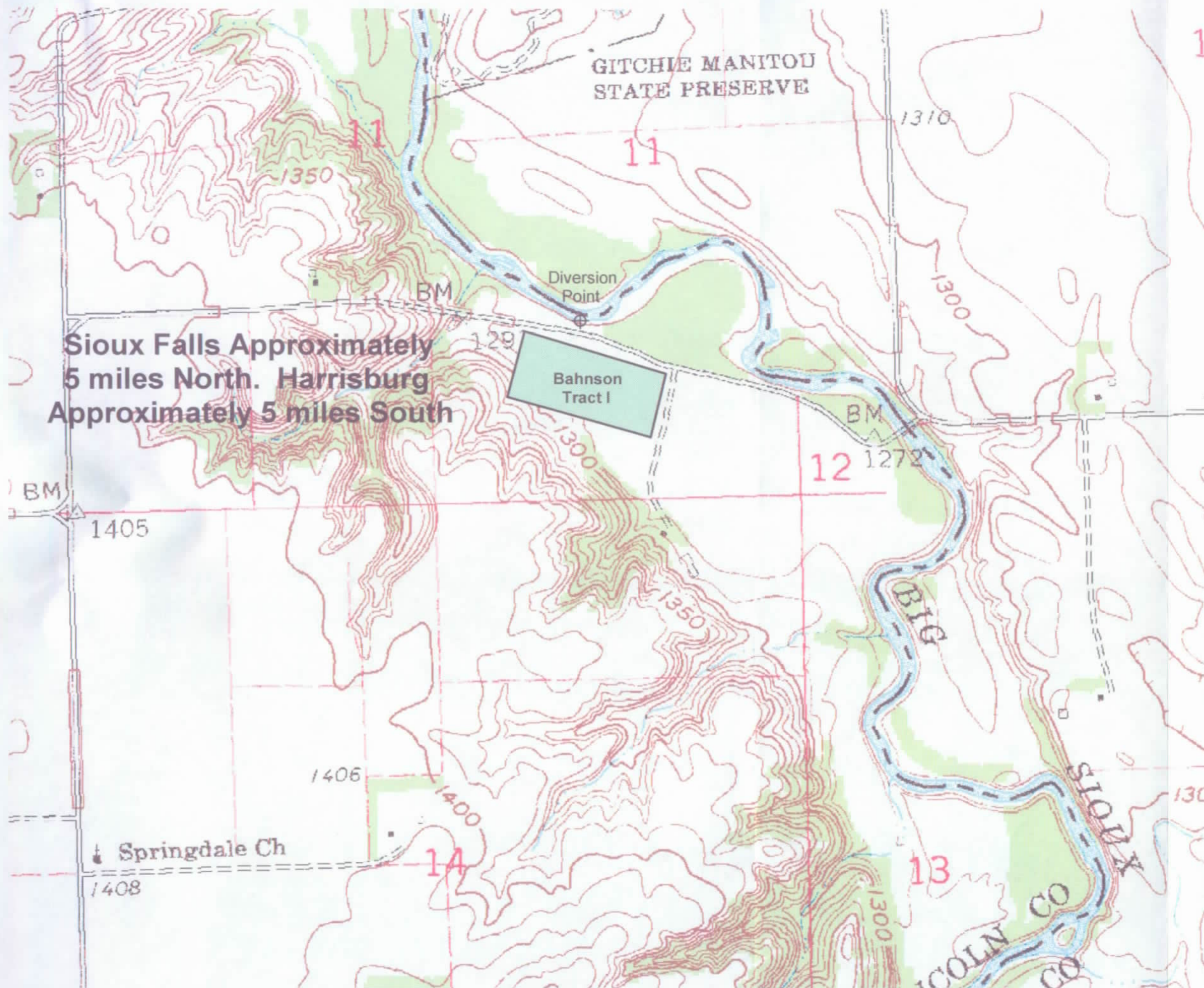


Mark D. Rath
Natural Resources Engineer III
Water Rights Program

References

U.S. Geological Survey Daily Mean Discharge Data retrieved from the National Water Information System Files (ADAPS)

South Dakota Department of Environment and Natural Resources, Water Rights Program Records



Permit # 6192-3
Bahnson Tract I

- ⊕ Diversion Point
- Tract Boundry

Not to Scale

Attachment 1

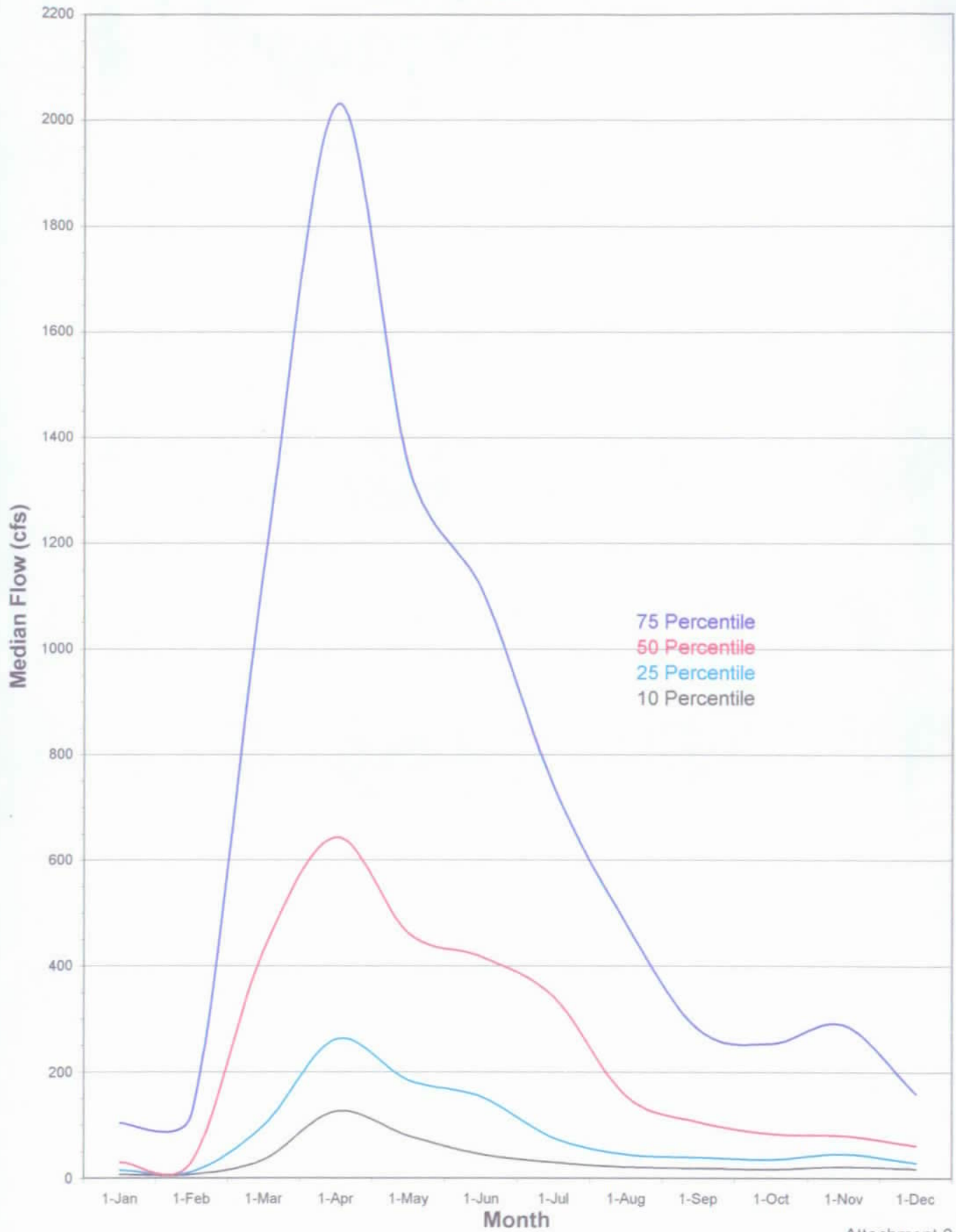
**Sioux Falls Gauging Station Statistics
1944-1960 & 1971-1998**

Mean	578 cfs	10 Percentile	17 cfs
Median	155 cfs	25 Percentile	43 cfs
Maximum	20700 cfs	50 Percentile	155 cfs
Minimum	0.50 cfs	75 Percentile	542 cfs
		90 Percentile	1510 cfs

Monthly Median Percentiles

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10	7	7	35	126	80	45	30	21	19	17	22	17
25	15	12	100	262	185	154	76	45	40	35	45	29
50	30	31	432	644	462	418	341	155	106	84	80	62
75	104	121	1158	2031	1338	1113	739	480	281	254	289	160
90	169	260	2495	4384	2297	2262	1362	934	779	590	520	342

USGS Sioux Falls
Gauging Station



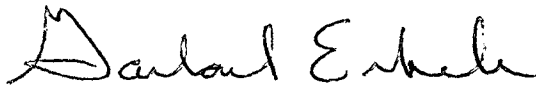
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6192-3, Berne B. Bahnson**

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. 6192-3, Berne B. Bahnson, 26534 North Shore Place, Hartford, SD 57033.

The Chief Engineer is recommending APPROVAL of Application No. 6192-3 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "Garland Erbele".

Garland Erbele, Chief Engineer
April 18, 2000



**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.

April 19, 2000

Berne B. Bahnson
26534 North Shore Place
Hartford, SD 57033

Dear Mr. Bahnson:

Water Permit Application No. 6192-3 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 Sioux Valley News printed at Canton, SD (Ph # (605) 987-2631). 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

April 19, 2000

Sioux Valley News
Box 255
Canton, SD 57013-0255

ATTENTION: Legal Public Notice

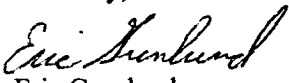
Enclosed is a Notice of Hearing on Application No. 6192-3 to Appropriate Water to be published twice. Please publish the first notice on April 27, 2000, with the second publication 7 days later.

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 Berne B. Bahnson, 26534 North Shore Place, Hartford, SD 57033 (Ph # (605) 526-6424).

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. 6192-3

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

Date _____

We are in receipt of your letter of April 19, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6192-3 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 April 27, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6192-3 to Appropriate Water

Notice is given that Berne B Bahnson, 26534 North Shore Place, Hartford SD 57033 has filed an application for a water permit to appropriate 0.143 cubic feet of water per second (65 gallons per minute) from the Big Sioux River located in the approximate center of the SE $\frac{1}{4}$ Section 11 to irrigate 10 acres located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ (Bahnson tract I) Section 11; all in T100N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6192-3 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 May 15, 2000.

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



Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

CONNIE RENLI

being first duly sworn on her oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that she is and during all of said time was bookkeeper of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

NOTICE OF APPLICATION NO 6192-3 TO APPROPRIATE WATER

a printed copy of which is hereto attached, was printed and published in said newspaper for **TWO** successive weeks upon the following dates, to-wit:

APRIL 27, 2000
MAY 4, 2000

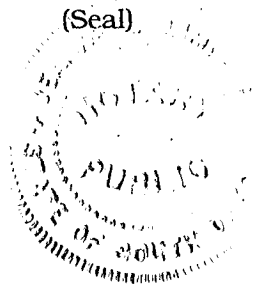
that the full amount of the fees charged for publishing the same to-wit: the sum of **\$41.08** inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Connie Renli

Subscribed and sworn to before me this **4th**
day of **MAY, 2000.**

Jeanne M. Limoges
Notary Public, South Dakota

(Seal)



NOTICE OF APPLICATION

NO. 6192-3 To

Appropriate Water

Notice is given that Berne B. Bahnson, 26534 North Shore Place, Hartford SD 57033 has filed an application for a water permit to appropriate 0.143 cubic feet of water per second (65 gallons per minute) from the Big Sioux River located in the approximate center of the SE 1/4 Section 11 to irrigate 10 acres located in the S 1/2 SE 1/4 (Bahnson tract I) Section 11; all in T100N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6192-3 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 May 15, 2000.

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. (4-27, 5-4)

Jeanne M. Limoges
My Commission Expires
November 18, 2003



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 05 2000

Berne B. Bahnson
26534 N. Shore Place
Hartford, SD 57033

Dear Mr. Bahnson:

Enclosed is Water Permit No. 6192-3 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, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license 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.

Sincerely,

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

enclosures



6192-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 6, 2012

Dear Water Right Holder;

Due to low flows I am advising water right holders on the Big Sioux River of the possibility of shutoff orders in 2012 for the river reach from Watertown through Sioux Falls. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Big Sioux River basin remain well below the historical average. The forecast for improved conditions for the near future is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 159 stream gauging stations across the state including three gages sites on the Big Sioux River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

Thank you for your cooperation. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on August 6, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 6, 2012 regarding shut off warnings on Big Sioux River addressed as stated below:

permitno	fname	lname	addrss2	city	state	zip
1696-3	DONALD G	AHLERS	22920 SD HWY 13	FLANDREAU	SD	57028
5530-3	TERRY & DENISE	ANDERSON	47558 237TH ST 26534 N SHORE PLACE	TRENT	SD	57065
6192-3	BERNE B	BAHNSON	PO BOX 366	HARTFORD	SD	57033
3806-3	BERNARD	BERGDALE	47948 232ND ST	ALCESTER	SD	57001
1175-3	HAROLD	BOEVER	4162 BIRCH AVE	FLANDREAU	SD	57028
4895-3	BILL B	BOYER	403 16TH ST	HAWARDEN	IA	51023
284-3	LUKE	BOYER, MGR	24482 482ND AVE	HAWARDEN	IA	51023
7110-3	BRIAN	BURKHART	32650 480TH AVE	DELL RAPIDS	SD	57022
5760-3	BRIAN	CHICOINE	29509 488TH AVE	ELK POINT	SD	57025
2255-3	JAMES H	COLE	47364 GOLF VIEW DR	HUDSON	SD	57034
6124-3		DELLS ROCKY RUN GOLF COURSE		DELL RAPIDS	SD	57022
4969-3	JOHN GILMAN	FRAZIER FARMS	BOX 423	PARKSTON	SD	57366
4969-3	JOHN TROY D & SANDY F	GILMAN	4162 BIRCH	HAWARDEN	IA	51023
249-3	DARREN & ALLISON	HAHN	6762 SMITH DR	WENTWORTH	SD	57075
2065-3		HAMILTON	22615 480TH AVE	FLANDREAU	SD	57028
2952-3, 956-3	WAYNE	HEADRICK	47926 SD HWY 32	FLANDREAU	SD	57028
279-3	ROBERT	JAGER, MGR	48495 299th ST	HAWARDEN	IA	51023
1350-3, 6042-3	RAYMOND D	JENSEN	24348 478TH AVE	HAWARDEN	IA	51023
1302-3	LARRY J	JORGENSEN	24048 477TH AVE	DELL RAPIDS	SD	57022
1500-3, 213-3	TED	LACEY	24064 478TH AVE	TRENT	SD	57065
	EUGENE	MOLLET	48011 332ND ST	TRENT	SD	57065
3433-3	VIRGIL L	MOLLET JR	47991 334TH ST	JEFFERSON	SD	57038
1801-3	GAIL	MUNK	803 DAKOTA	JEFFERSON	SD	57038
113-3	PATTI	NASH	21660 469TH AVE	DELL RAPIDS	SD	57022
3914-3	OMAR F	PETTERSON	48378 276TH ST	BROOKINGS	SD	57006
2350-3		RIVER VALLEY FARMS	PO BOX 486	CANTON	SD	57013
1801-3	HARVEY JOHN T & MELISSA R	SCHMIDT, OPERATOR	47528 244TH ST	ALCESTER	SD	57001
1454-3		SCHUTTE	47973 W 5TH ST 47844 COUNTY RD 1B	DELL RAPIDS	SD	57022
5814-3	PATRICK V	WALSH, OPERATOR	11726 NORWAY ST NW	CANTON	SD	57013
597-3	DAN & JUDY	WHIPPLE WILLOW RUN MANAGEMENT COMPANY	8000 E HWY 42	ELK POINT	SD	57025
5055-3		XCEL ENERGY	7100 E RICE ST	COON RAPIDS	MN	55448
519-3A		NORTHERN STATES POWER COMPANY	414 NICOLLET MALL	SIoux FALLS	SD	57110
43-3, 519-3 5698-3, 6210-3	GREG ANDERSON	CITY SIOUX FALLS	224 W 9TH ST	SIoux FALLS	SD	57110

Gail Jacobson

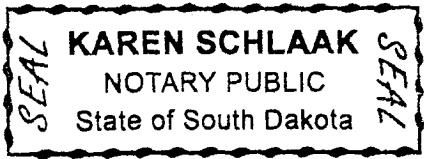
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of August, 2012.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013





6192-3
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 15, 2016

NOTICE

TO: BERNE B BAHNSON, 26534 N SHORE PLACE, HARTFORD, SD 57033

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6192-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 6192-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6192-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 1, 2016

6192-3

Berne B Bahnson
26534 N Shore Pl
Hartford SD 57033

Dear Mr. Bahnson:

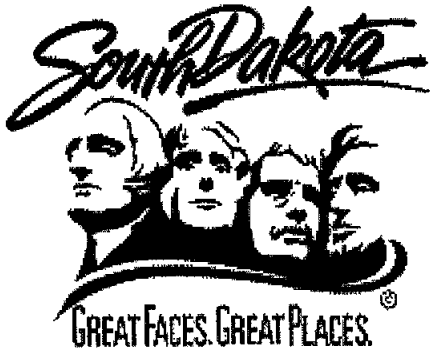
I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit No. 6192-3. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



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, 2018

6192-3

BERNE B BAHNSON
26534 N SHORE PLACE
HARTFORD SD 57033

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear MR BAHNSON,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,


for Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 12, 2018

6192-3

Berne B Bahnson
26534 N Shore Place
Hartford SD 57033

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Mr. Bahnson:

The SD Department of Environment and Natural Resources (DENR) has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux River water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. The water right you own or operate does not have a bypass qualification and will not be amended by the proposed action.

Even though your water right is not being amended, DENR wants to keep you informed of the proposed action since it involves the Big Sioux River. Enclosed is a notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. Also, the staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The enclosed notice provides information on the hearing and ability to file a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

Again, this does not pertain to amending your water right, only junior water right holders with existing bypass requirements. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6192-3

I have this day, April 15, 2023, made a thorough examination of the water use system constructed by Berne B. Bahnson; North Shore Place, Hartford, SD 57033 of Permit No. 6192-3, bearing the priority of March 30, 2000 authorizing the diversion of 0.143 cu. ft. per second of the waters of the Big Sioux River for irrigation purposes, in Lincoln County.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by N

If no, describe: **Property has not been irrigated since 1999 according to the Irrigation Questionnaires**

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

List any extended period of nonuse: **1999 - present**

- 3) Exceptions to compliance are: None

F. Comments or other permit(s) associated with the project:

The mailing address on the permit materials is current but the phone number is not. A current phone number is 605/496-3698.

No evidence of an irrigation system was visible during the field visit.

A telephone conversation with Mr. Bahnson on May 1, 2023, revealed that he recently sold the property to a neighbor, but the name and address of the new property owner is not known at this time.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: May 2, 2023

Big Sioux Polo LLC - 48035 Riverside Pl, Sioux Falls SD 57108
c/o Craig Krogstad 300 S. Phillips Ave Suite 300 " " 57104



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 2, 2024

6192-3

Big Sioux Polo LLC
c/o Craig Krogstad
300 S Philips Ave, Suite 300
Sioux Falls SD 57104

Dear Mr. Krogstad:

I am writing you regarding Water Permit No. 6192-3, currently held by Berne B Bahnson. Water Permit No. 6192-3 authorizes the diversion of 0.143 cubic feet of water per second (approx. 65 gpm) from the Big Sioux River for irrigation of 10 acres located in the S ½ SE ¼ Section 11, T100N-R49W, Lincoln County, South Dakota. (see enclosed map)

It is the understanding of the Water Rights Program that Big Sioux Polo LLC now owns this property. In May 2023, a Water Rights Program staff engineer conducted an inspection of the property for the purpose of licensing the irrigation system. The inspection found that no irrigation was in place and records indicated that no irrigation had taken place since 1999.

With this letter I hope to confirm that irrigation is no longer taking place on the property. If irrigation has in fact been discontinued, this permit should be scheduled for cancellation by the South Dakota Water Management Board.

Please call me at (605)910.5187 or email Amanda.Dewell@state.sd.us to discuss.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure

Dewell, Amanda

From: Dewell, Amanda
Sent: Wednesday, August 14, 2024 9:45 AM
To: Craig Krogstad
Subject: RE: [EXT] Transfer Water Permit
Attachments: WP No. 6192-3.pdf; XferForm_6192-3.docx

Craig –

There are two attachments to this email. The first is the Permit (No. 6192-3) issued to Mr. Bahnson for irrigation from the Big Sioux River. The second is a "Notice of Transfer of Ownership" form that I've partially completed for your client.

When we spoke on the phone this morning you indicated that irrigation had not taken place since the property changed hands, due in part to sufficient moisture on the property, also due to the irrigation permit's existence not being disclosed at the time of sale. As discussed, "sufficient moisture" is a valid legal excuse for non-irrigation in accordance with SDCL 46-5-37 and SD Water Rule 74:02:01:37.1, however, if the irrigation system/river pumping station were removed or dismantled for the extended period of non-use, the Permit should be reviewed for cancellation.

Prior to submitting the transfer form and required fees, I would urge you to investigate the current status of the water use system.

Thank you,

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Craig Krogstad <Craig.Krogstad@woodsfuller.com>
Sent: Wednesday, August 14, 2024 8:53 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: [EXT] Transfer Water Permit

Amanda,

Thank you for your time today. I will work with my client to find out what they want to do.

Craig



Craig J. Krogstad

SHAREHOLDER | WOODS FULLER

P (605) 336 3890 F (605) 339 3357

300 S Phillips Ave., Suite 300, Sioux Falls, SD 57104

PO Box 5027, Sioux Falls, SD 57117-5027

www.woodsfuller.com



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PAID

SEP 25 2024

Ck# 2564

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6192-3

Date: 9/18/24

I/We request that Water Right No. 6192-3

formerly owned by: Berne Bahnson – Hartford SD

be transferred to: (name & address) Lorrie L. Schwan-Okerlund
48035 Riverside Place, Sioux Falls SD 57108

Email: lschwanokerlund@aol.com Telephone No. (605) 366-1998

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

10 acres – S ½ SE ¼ (Bahnson tract 1) Section 11, T100N, R49W

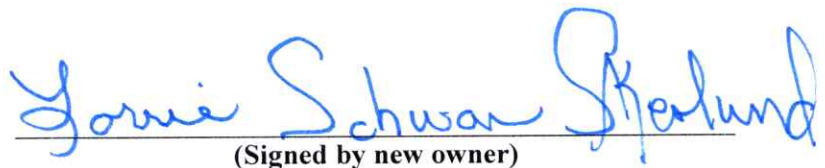
I/We understand that the validity of Water Right No. 6192-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 Fifty Dollars
form must be signed

10) is required to cover the filing fees as required under SDCL 46-2-13. This
w owner.

I, Lorrie L. Schwan-Okerlund, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed 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

SEP 25 2024

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 26, 2024

6192-3

Lorrie L Schwan-Okerlund
48035 Riverside Pl
Sioux Falls SD 57108

Dear Ms. Schwan-Okerlund:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records.

Water Permit No. 6192-3 previously owned by Berne Bahnson is now listed under yourself. I have also updated your contact information in our system.

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

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: The validity of Water Permit No. 6192-3 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date September 26th 2024

RECEIVED OF Okerlund Family Account 48035 Riverside Pl Sioux Falls SD 57108

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>Permit #6192-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Okerlund
Chief Engineer

