

WATER PERMIT NO. 6238-3

Name of Applicant: Bixler Farms

Address: 39474 184th St, Hitchcock SD

Phone: 605 266-2763

Amount of Water Claimed: 1.77 cfs

Total Acres: 130

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Spink

Type of Waste Disposal System:

Location: 4 miles east of Hitchcock

PRIORITY Date Received: 11-6-2000

Fee: \$250

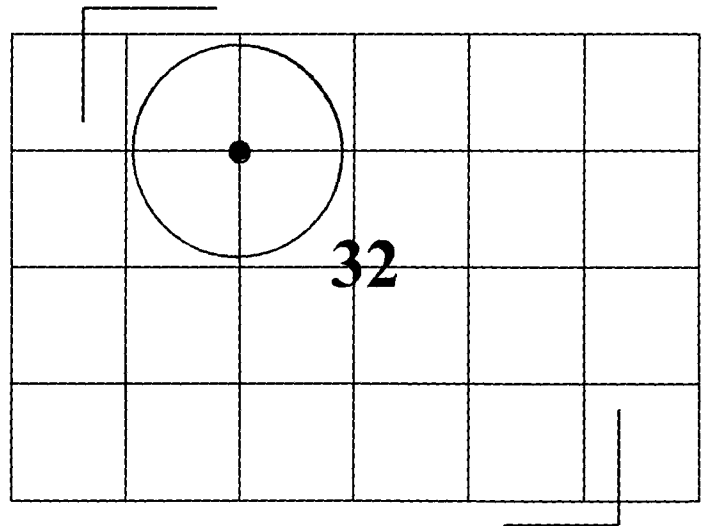
Corrected Application Received:: 11-9-2000

Period of Annual Use: May 1 – October 31

Remarks:

Diversion Point: center NW ¼ Sec 32-T114N-
R62W

Land to be Irrigated: NW ¼ Sec 32-T114N-R62W



Depth of Well: 72 feet

Well Driller: : Huron Drilling, Inc.

Remarks:

Type of Map: aerial

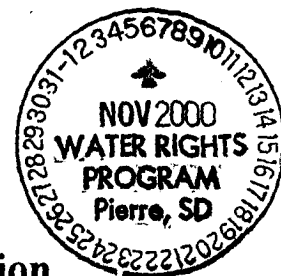
Prepared by: Jim Millar, NRCS

Reviewed and the Number Assigned on: 11-9-2000

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>62-38-3</u>	(office use only) Hydrologic Unit <u>1016006</u>
	Basin <u>James River</u>	
	Newspaper <u>Redfield Press</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 Bixler Farms Phone 605-266-2763
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 39474 184th St Hitchcock State S.D. 57348
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 130 ACRES
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply 1 well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well NW 1/4 Sec 32-114-62 CORNWALL TOWNSHIP
County Spink
- County or counties where water will be used Spink
- Annual period during which water is to be used SUMMER May 1 - 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 32-114-62 160 Acres	130 Acres Irr.		

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

ONE well LOCATED in CENTER of QUARTER.
CENTER PIVOT IRRIGATION system
ELECTRIC motor will run pump.

STATE OF SOUTH DAKOTA)

County of Spink SS

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, Reed Bixler, 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 Bixler Farms, Reed Bixler

Subscribed and sworn to before me this 11-3 day of November 2000

Terrell A. Osberg
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6238-3**

Date of first receipt of application November 6, 2000.

Date of return to applicant for corrections, amendments or changes November 6, 2000.

Date of receipt of corrected application November 9, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6238-3 to Bixler Farms, Reed Bixler, 39474 184th St, Hitchcock SD 57348 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. 6238-3 appropriates 1.78 cubic feet of water per second from one well (Tulare: Hitchcock Aquifer) 67 feet deep located in the center of the NW ¼ Section 32 to irrigate 130 acres located in the NW ¼ Section 32; all in T114N-R62W.
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 November 6, 2000.
4. The date of approval of Permit No. 6238-3 is February 12, 2001.
5. One-fifth of the construction is to be completed on or before August 12, 2003.
6. All construction is to be completed on or before February 12, 2006.
7. Water is to be put to beneficial use on or before February 12, 2010.
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. 6238-3 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. 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

MAR 09 2001

date



SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

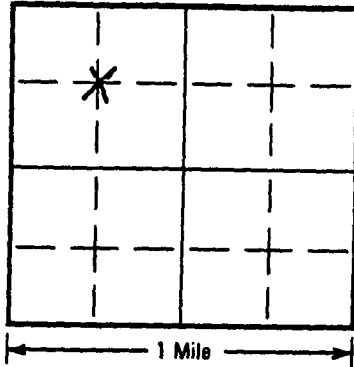
Location 1/4 NW 1/4 Sec 32 Twp 114 Rg 62
County Spink

Please mark well location with an "X"

W

E

Well Completion Date

10-31-00

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2000 ft. from _____ (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
_____	_____	_____ lb./gal	_____ ft	_____ ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

_____ YES, How: _____

_____ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Bixler Farms Inc.

Business Name: _____

Address: 39474 184th StHitchcock SD 57348

WELL LOG:

DEPTH

FORMATION

FROM

TO

top soil07yellow clay716sand1667blue clay6772

COPY

STATIC WATER LEVEL _____ 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: _____

☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 94

And this report is true and accurate.

Drilling firm Huron Drilling Inc.

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 11-3-00

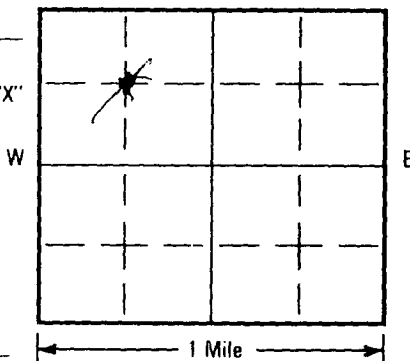
SOUTH DAKOTA WATER WELL COMPLETION REPORT

6238-3

07-92

Location $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 32 Twp 114 Rg 62County Sink North

Please mark well location with an "X"



Well Completion Date

4-20-02

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 5000 ft. from Feed yard (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

ReverseCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16</u> IN	<u>0</u> FT	<u>47</u> FT	<u>24</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>25</u>	lb./gal	<u>0</u> ft.	<u>20</u> ft.
		lb./gal	ft.	ft.

Describe grouting procedure

line to 20 ft.SCREEN: ☒ Perforated pipe ☒ ManufacturedDiameter 16 IN Length 15 FEETMaterial StainlessSlot Size .050 Set From 47 Feet to 62 Feet

Other information

Shovel BackedWAS A PACKER OR SEAL USED? ☐ YES ☐ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

YES, How: packets

NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: Brylex Bros

Business Name: _____

Address: 39472 SD Hwy 28
Hatchcock

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>yellow clay</u>	<u>0</u>	<u>14</u>
<u>med sand coal</u>	<u>14</u>	<u>24</u>
<u>Coal some sand</u>	<u>24</u>	<u>34</u>
<u>Coal med sand</u>	<u>34</u>	<u>44</u>
<u>Coal med sand</u>	<u>44</u>	<u>54</u>
<u>fine med sand</u>	<u>54</u>	<u>61</u>
<u>blue clay</u>	<u>61</u>	<u>62</u>

STATIC WATER LEVEL 22 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: 800 gpm☐ Bailed☐ Other

Pumping Level Below Land Surface

49 ft. After 6 Hrs. pumped 800 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm Bullman Well Drilling

Signature of License Representative: _____

RECEIVED

Signature of Well Owner or Equitable Property Holder: _____

AUG - 2 2002

WATER RIGHTS PROGRAM

Date: _____

MAP NOT TO SCALE

508

THIS IS NOT AN OFFICIAL WETLAND MAP

T10286

W 1/4 32-114-62
CORNWALL Township
SPINK County 130 ACRES

Jim Miller
Soil Scientist
NRCS

X well
Bixler Farms
Reed Bixler
Brend Bixler
Greg Bixler

Transfer
To
Beadle

1.156.2

32

T1095

K23

4420-1448

1.4.0

7.10.5

6.5.1

3.4.2

5.130.5

8.9.5

4.128.5

114

2.4.0

6238-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

ND 416685

Pierre, November 9, 2000

RECEIVED OF Bixler Farms, 39474 184th St, Hitchcock SD 57348-7206
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 4238-3 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. 4238-3 _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

300 00

By Harland Entzler
Chief Engineer

KS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 6, 2000

Bixler Farms
c/o Reed Bixler
39474 184th St
Hitchcock SD 57348

Dear Mr. Bixler

Thank you for submitting the *Applications for a Permit to Appropriate Water* for irrigation. In order to complete the applications the following is required.

Enclosed are the maps submitted with the applications. The maps must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

On the application for irrigation of the W ½ of Section 25, you indicate the amount of water claimed to be 800 gallons per minute. Is it your intent to request this amount of water from each well?

Is a well log or test hole log available for the well located in Section 32?

Also, enclosed is the check for \$900 submitted with the applications. Since you are requesting the irrigation of the W ½ Section 25 on one application, the filing fee for that application will be \$350.00. If separate applications would have been submitted for each quarter, the \$900 fee would have been correct. The correct fee for the two applications is \$650.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 6238-3
for Bixler Farms
January 3, 2001

Application No. 6238-3 proposes to appropriate 1.78 cfs (800 gpm) from one well approximately 67 feet deep located in the center of the NW 1/4 of section 32 to irrigate 130 acres located in the NW 1/4 of section 32; all in T114N R62W in Spink County.

AQUIFER - TULARE HITCHCOCK (T-H)

The Tulare Hitchcock is a surficial outwash (sand and gravel) which is under water table conditions in this area. The aquifer underlies 96,000 acres and contains an estimated 360,000 acre feet of recoverable water in storage in Spink County (Hedges, 1982). The aquifer is hydraulically connected to the Tulare Western Spink aquifer to the west and extends into Beadle County to the southeast. Ground water movement is from west to east across the area of this application (Hamilton, 1996). Recharge to the Tulare aquifer (Area A as described by Kuiper) is approximately 0.83 inches per year (Kuiper, 1984). This equates to an annual volume of 6,640 acre feet for the Tulare Hitchcock portion of the Tulare aquifer as described by Hedges. Since 1979, records of water use for the Tulare Hitchcock aquifer indicate an average use of 2,450 acre feet per year with a maximum water use of 4,350 acre feet in 1996. Obviously, based upon average uses additional water is still available for appropriation and use.

Test well information supplied with the application indicates sand beginning at a depth of 16 feet and extending to a depth of 67 feet below land surface. This would be the Tulare Hitchcock aquifer. No pumping or water level information was supplied with the test well information.

The Water Rights Program does monitor an observation well SP-79N which is located within one mile of this application. 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. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2001). A hydrograph for this observation well is included with this report.

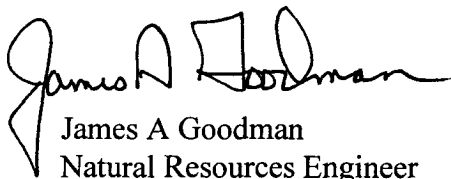
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are five existing water permits/rights within a one mile radius of this application. Existing irrigation wells are located about one-half mile north, east and south of this application. Interference is not expected to be a concern. The water levels as shown by the observation well hydrograph do not indicate significant drawdown is created by pumping of the existing wells. The hydrograph does indicate that ground water levels have been unusually high in the 1990's. With the return of drier weather conditions these water levels would decline to levels represented in the early 1980's. This 6 to 10 feet

fluctuation in water levels has the potential to affect individual wells diversion rates. This phenomenon should not be confused with interference.

CONCLUSIONS

1. Water is available from the Tulare Hitchcock aquifer.
2. The aquifer is under water table conditions in this area. The water level record indicates that pumping does not significantly affect water levels. Interference is not a concern.
3. The well authorized by this application must be completed in accordance with SD Well Construction Standards.
4. The water level record indicates that previously water levels were six to 10 feet lower than present levels and production rates from individual wells may be affected because of the loss in saturated thickness when the water levels reach that level again.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

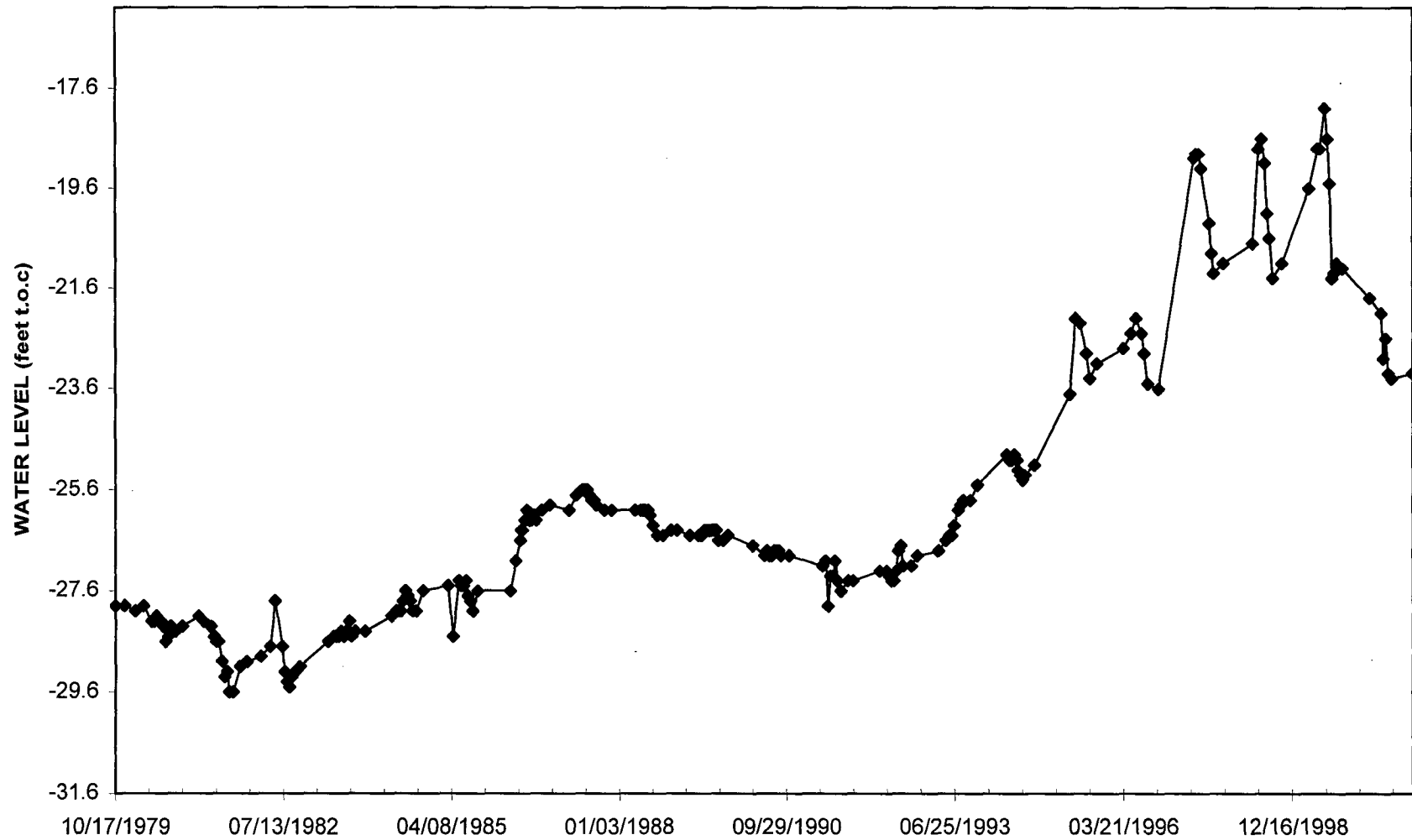
Hamilton, L.J., L.W. Howells, 1996, Water Resources of Spink County, South Dakota, Water Resources Investigations Report 96-4056, USGS, Rapid City, SD, 57702.

Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SDGS, Vermillion, SD, 57069.

Kuiper, L.K., 1984, Appraisal of the Water Resources of the Eastern Part of the Tulare Aquifer, Beadle, Hand, and Spink Counties, South Dakota, WRI 84-4078, USGS, Huron, SD, 57350.

Water Rights, 2001, Unpublished Observation Well Data for Spink County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
SP-79N**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6238-3, Bixler 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. 6238-3, Bixler Farms, c/o Reed Bixler, 39474 184th Street, Hitchcock SD 57348.

The Chief Engineer is recommending APPROVAL of Application No. 6238-3 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. 6238-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2001

Redfield Press
Box 440
Redfield, SD 57469-0440

ATTENTION: Legal Public Notice

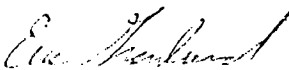
Enclosed is a Notice of Hearing on Application Nos. 6238-3 and 6239-3 to Appropriate Water to be published twice. Please publish the first notice on January 24, 2001 with the second publication 7 days later.

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 Bixler Farms, %Reed Bixler, 39474 184th St., Hitchcock, SD 57348 (Ph # 605-266-2763).

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

-----CUT HERE-----

No. 6238-3 and 6239-3

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

Date _____

We are in receipt of your letter of January 17, 2001 enclosing Notice of Hearing to Appropriate Water by Application Nos 6238-3 and 6239-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

January 17, 2001

Bixler Farms
%Reed Bixler
39474 184th St.
Hitchcock SD 57348

Dear Mr. Bixler:

Water Permit Application Nos. 6238-3 and 6239-3 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 Redfield Press printed at Redfield, SD (Ph # 605-472-0822). 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.

Instruction to Newspaper - Publish first Notice on January 24, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6238-3 and 6239-3 to Appropriate Water

Notice is given that Bixler Farms, c/o Reed Bixler, 39474 184th St, Hitchcock SD 57348 has filed applications for a water permit. Application No. 6238-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well (Tulare: Hitchcock Aquifer) 67 feet deep located in the center of the NW ¼ Section 32 to irrigate 130 acres located in the NW ¼ Section 32; all in T114N-R62W.

Application No. 6239-3 proposes to appropriate 3.57cfs from two wells (Tulare: Hitchcock Aquifer) 70 and 65 feet deep located in the centers of the NW ¼ and SW ¼ Section 25 to irrigate 260 acres located in the W ½ Section 25; all in T114N-R63W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6238-3 and 6239-3 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 applications or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applications or contesting the recommendation 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 this applications 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 February 12, 2001.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Spink

SS

I, Billy L. Hanson of said County and State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Billy L. Hanson, the undersigned, am Publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the legal or official notice entitled:

No. 29 Notice of Hearing

Bixler Farms c/o Reed Bixler # 123695
a printed copy of which is hereto attached, was printed and published in said newspaper in 2 successive issues, to wit:

The first publication being made on Jan. 24, 2001
2nd Jan. 31, 2001 5th 20
3rd 20 6th 20
4th 20 7th 20

that the full amount of the fee charged for publishing the same to-wit: the sum of \$ 45.24, insures to the benefit of the publisher of THE REDFIELD PRESS, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Billy L. Hanson

Subscribed and sworn to before me this 25th day of January, 2001

Jamie R. Louth
Notary Public, Spink County, South Dakota

Notice of Hearing

No. 29

NOTICE OF APPLICATION NOS. 6238-3 and 6239-3 TO Appropriate Water

Notice is given that the Bixler Farms, c/o Reed Bixler, 39474 184th St, Hitchcock SD 57348 has filed applications for a water permit. Application No. 6238-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well (Tulare: Hitchcock Aquifer) 67 feet deep located in the center of the NW 1/4 Section 32 to irrigate 130 acres located in the NW 1/4 Section 32; all in T114N-R62W.

Application No. 6239-3 proposes to appropriate 3.57 cfs from two wells (Tulare: Hitchcock Aquifer) 70 and 65 feet deep located in the centers of the NW 1/4 and SW 1/4 Section 25 to irrigate 260 acres located in the W 1/2 Section 25; all in T114N-R63W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6238-3 and 6239-3 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 applications or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applications or contesting the recommendation 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 this applications or recommendation must file 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 February 12, 2001.

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 informal pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(January 24, 31)

8.75 in.

78 X 29





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 09 2001

Bixler Farms
% Reed Bixler
39474 184th St.
Hitchcock, SD 57348

Dear Mr. Bixler:

Enclosed are Water Permit Nos. 6238-3 and 6239-3 authorizing construction of your water diversion systems 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

Permit No. 6238-3
James River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, **October 3, 2006**, made a thorough examination of the water use system constructed by **Bixler Farms** of **39474 184th St., Hitchcock, SD 57348** holder of Permit No. **6238-3**, bearing the priority of **November 6, 2000** authorizing the diversion of **1.78** cu. ft. per second of the waters of **Tulare:Hitchcock Aquifer** for **Irrigation** purposes, in **Spink** County.

Inspection contact & relationship **Reed Bixler (266-2763)**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Huron Well Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **62** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **16** inches
- 2) Length **47** feet
- 3) Type **Plastic**

Screen:

- 1) Type **Stainless Steel**
- 2) Length **15** feet
- 3) Static water level **22** feet

Pump:

- 1) Make **Western Land Roller**
- 2) Model **Turbine**
- 3) Capacity **800** GPM

Motor:

- 1) Make **US Motor**
- 2) Horsepower rating **50** hp

B. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1287 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) High or low pressure Low
- 6) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows: Approximately 1250 feet south and 700 feet east of the NW corner of Section 32-T114N-R62W (N 44.643767, W -98.319162). The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water of water which is to be used for Irrigation use. Water has been put to beneficial use to the maximum extent as follows:

Section 32-T114N-R62W

NW ¼ NW ¼ - 32.5 acres

NE ¼ NW ¼ - 32.5 acres

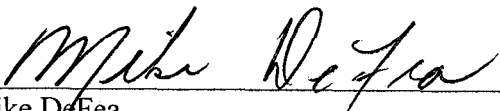
SW ¼ NW ¼ - 32.5 acres

SE ¼ NW ¼ - 32.5 acres

comprising a total of 130 acres of land and the license should be issued for 1.78 cfs.

All structures, wells and lands on map Y

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



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

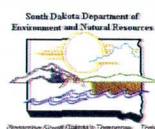
Date report completed: May 29, 2007

Bixler Farms
39474 184th St.
Hitchcock, SD 57348
226-2763

Water Permit No. 6238-3



Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
May 29, 2007



0 900 1,800 3,600 Feet



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 03 2007

6238-3

6239-3

Bixler Farms
Reed Bixler
39474 184th St
Hitchcock SD 57348

Dear Mr. Bixler:

Enclosed is Water License Nos. 6238-3 & 6239-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your licenses is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right Nos. 6238-3 & 6239-3 constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6238-3

(1) Bixler Farms, 39474 184th St, Hitchcock SD 57348 made Application No. 6238-3, November 6, 2000 for a water permit to divert 1.78 cubic feet of water per second from groundwater (one well), Spink County, South Dakota for irrigation purposes. Permit No. 6238-3, with a priority date of November 6, 2000 was approved February 12, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 12, 2006 and for the application to beneficial use of water on or before February 12, 2010.

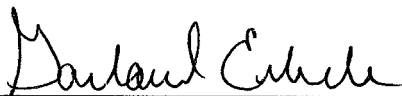
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6238-3 is issued a license, bearing a priority date of November 6, 2000 to appropriate 1.78 cubic feet of water per second from groundwater (one well) to irrigate 130 acres.

The diversion point is located: 1,250 feet south and 700 feet east of the northwest corner of Section 32-T114N-R62W (NW ¼ NW ¼). The acres authorized for irrigation are as follows:

Section 32-T114N-R62W	NW ¼ NW ¼	32.5 acres
	NE ¼ NW ¼	32.5 acres
	SW ¼ NW ¼	32.5 acres
	SE ¼ NW ¼	32.5 acres
Total 130 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6238-3 including the following now applicable qualifications:

- 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.
- The well authorized by Permit No. 6238-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump 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.
- 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

AUG 03 2007

date

