

WATER PERMIT NO. 6266-3

Name of Applicant: Dennis Hubers

Address: 37533 274th St, Harrison SD 57344

Phone: 605 243-2384

Amount of Water Claimed: 1.11 cfs

Total Acres: 42.6 acres

Source of Water Supply: Joubert Lake

Water to be used for: irrigation

County: Douglas

Type of Waste Disposal System:

Location: 13 miles west of Corsica

PRIORITY

Date Received: 5-31-2001

Fee: \$150

Corrected Application Received::

Period of Annual Use: June 15 – Sept 1

Remarks:

Diversion Point: NW ¼ NW ¼ Sec 5-T99N-R66W

Land to be Irrigated: N ½ NW ¼

Sec 5-T99N-R66W

Depth of Well: NA

Well Driller: :

Remarks:

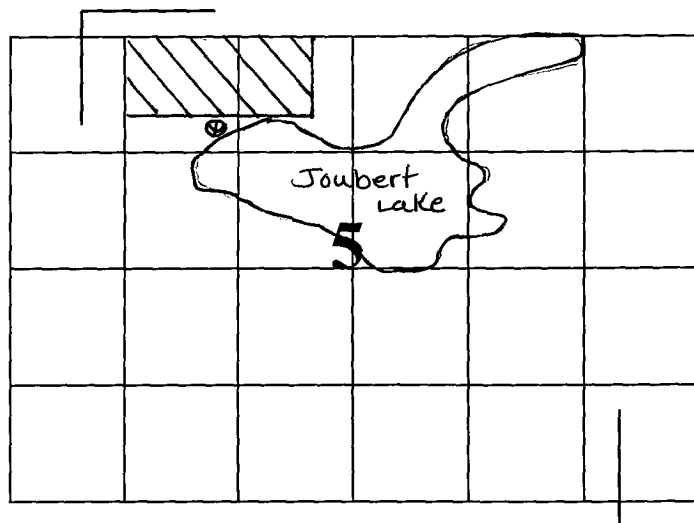
Type of Map: aerial

Prepared by: Larry C Kirschhoff, FSA

Reviewed and the Number Assigned on: 5-31-2001

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6266-3

Date of first receipt of application May 31, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6266-3 to Dennis Hubers, 37533 274th St, Harrison SD 57344 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. 6266-3 appropriates 1.71 cubic feet of water per second (cfs) from Joubert Lake located in the NW ¼ Section 5 to irrigate 120 acres located in the N ½ NW ¼, N ½ SW ¼, SE ¼ SW ¼ Section 5; all in T99N-R66W. Joubert Lake is a small lake which is located entirely on the applicant's property in portions of the N ½ Section 5, T99N, R66W.
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 15 – September 1.
3. The date from which applicant may claim right is May 31, 2001.
4. The date of approval of Permit No. 6266-3 is August 24, 2001.
5. One-fifth of the construction is to be completed on or before February 24, 2004.
6. All construction is to be completed on or before August 24, 2006.
7. Water is to be put to beneficial use on or before August 24, 2010.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

AUG 28 2001

date



(type or print)

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No.

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

1. Name of Applicant DEWITT HUBERS Phone 605-243-1384
(check one) Owner ☒ Tenant/lessee
- Mailing Address 37533 174 TH ST State SD
(Street, RR, or Box and City) LARLISON (Zip Code) 57344
2. Amount of water claimed 1.71 *CFS or 220 **GPM ***AF Total Acreage 42.6/20
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply FOURBERT LAKE
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NORTH EDGE OF LAKE (FOURBERT LAKE) NW 1/4 NW 1/4 SECTION 5-T99-R66W
County
5. County or counties where water will be used DUGLAS NW 1/4 NW 1/4 SECTION 5-T99-R66W
6. Annual period during which water is to be used JUNE 15, 2007 TO SEPTEMBER 1, 2007
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)

N $\frac{1}{2}$	Land Description	Acres		Land Description	Acres
NW $\frac{1}{4}$	NW $\frac{1}{4}$ SECTION 5 - T99 - R66W	42.6			
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0			
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	26.9			
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.5			

8. Give a description of the project. (Attach sheet if more space is needed)
- IRRIGATE 42.6 Acres The Lake size is about 3 times bigger than normal. Has caused flooding of roads and building sites.

STATE OF SOUTH DAKOTA) SS
County of Douglas)

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, Dennis HuBERS

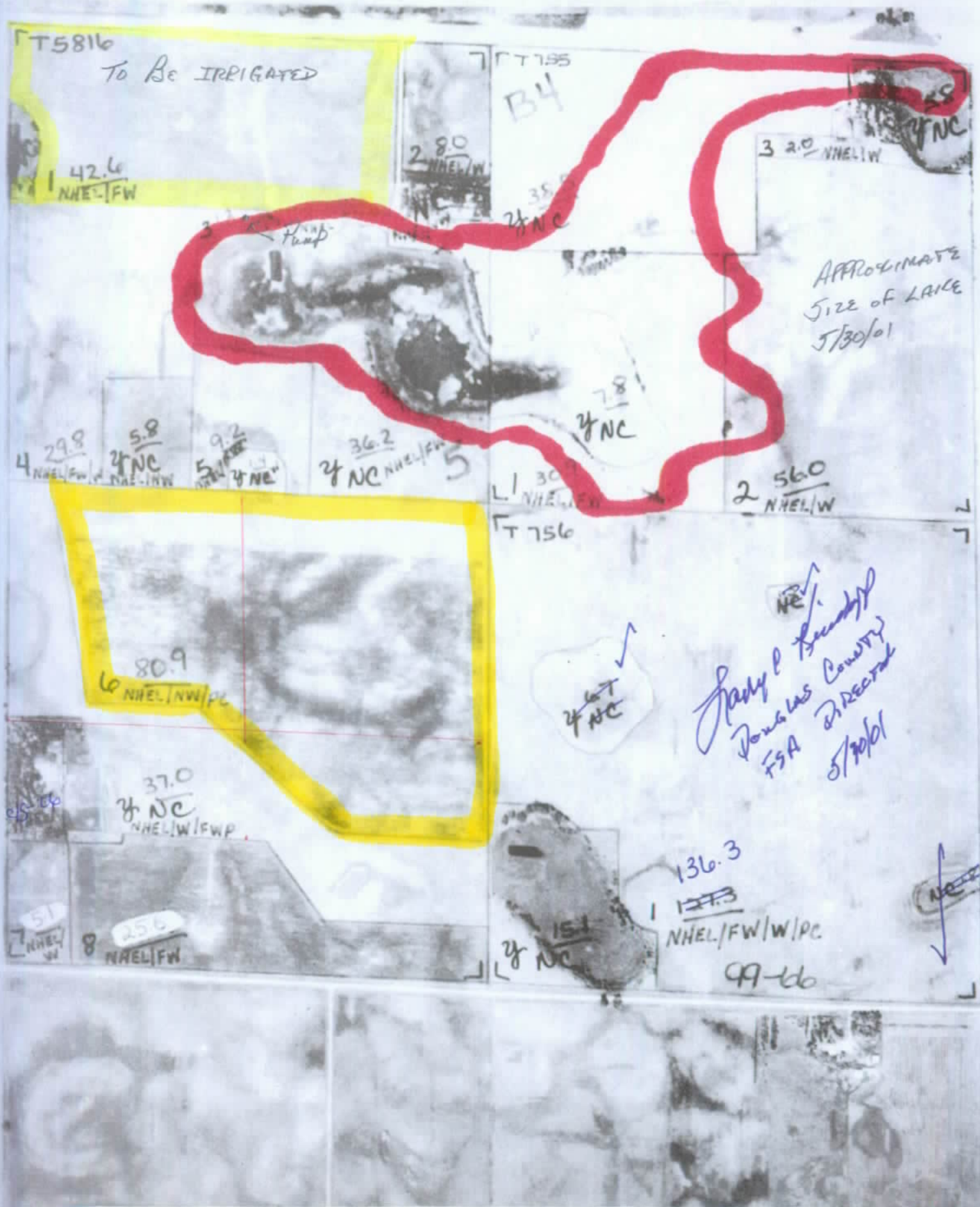
the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature

Subscribed and sworn to before me this 30 day of May 20 01

My commission expires:

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.



6266-3

[illegible]

RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

416843

Pierre, May 31, 20 01

RECEIVED OF Dennis Hubers, 37533 274th Street, Harrison, SD 57444
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6566-3</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>6566-3</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 Darland Erbele
Chief Engineer *gm*

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

416847

Pierre, June 5, 20 01

RECEIVED OF Dennis Hubers, 37533 274th Street, Harrison, SD 57344
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6266-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	75	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	75 00

By Darland Eide
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 1, 2001

Dennis Hubers
37533 274th Street
Harrison SD 57344

Dear Mr. Hubers:

I am writing regarding our telephone conversation regarding your water right permit application for irrigation. In response to my question, you stated that you are the sole owner of the lands surrounding the lake. You also indicated that there are not any conservation easements on the property.

As per our conversation, I have amended your water permit application as follows:

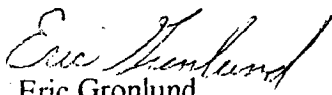
- Propose to irrigate a total of 120 acres located in:

N ½ NW ¼ Section 5, T99N, R66W	- <u>42.6 acres</u>
N ½ SW ¼, SE ¼ SW ¼ Section 5, T99N, R66W	- <u>77.4 acres</u>
- To accompany the number of acres to be irrigated you are requesting the statutory limit for irrigating 120 acres which is 770 gallons per minute.

You indicated that you would most likely just irrigate one of the parcels a year but that you wanted the opportunity to irrigate both parcels in the same year should the need arise. You also stated that you would most likely irrigate with a big gun but that have not decided for sure what type of irrigation system will be used, therefore you want to request the statutory limit.

I believe this covers the issues we discussed. Please find a self addressed stamped envelope for submitting the additional \$75 application filing fee and the attached sheet which you need to sign requesting amendment of the application.

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

I, Dennis Hubers, have read the letter dated June 1, 2001 regarding amending my water right permit application and request the application be amended as listed in that letter as it represents a true reflection of my irrigation system if I develop it to the maximum extent. I understand that if the water right permit is approved that I will have five (5) years to develop the irrigation system and I will only have a right to the extent developed at that time.

Dennis Hubers 6-4-01
Dennis Hubers date





**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. 6266-3, Dennis Hubers**

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. 6266-3, Dennis Hubers, 37533 274th Street, Harrison SD 57334.

The Chief Engineer is recommending APPROVAL of Application No. 6266-3 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 qualification:

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
August 1, 2001

NOTE: Joubert Lake should not be considered a reliable source of water since the amount of water stored in the lake could decrease significantly during extended periods of low precipitation. The issuance of Permit No. 6266-3 does not relieve the applicant's responsibility of adhering to any federal permitting requirements concerning wetlands. The applicant should consult with the local Natural Resource Conservation Service on potential federal permitting issues.

REPORT ON WATER PERMIT APPLICATION 6266-3

**Dennis Hubers
37533 274th Street
Harrison, SD 57334
August 01, 2001**

Water Permit Application No. 6266-3, Dennis Hubers, proposes to appropriate 1.71 cubic feet of water per second (770 gallons per minute) from Joubert Lake in Douglas County to irrigate 120 acres in the N½ NW¼, NE¼ SW¼, NW¼ SW¼, and SE¼ SW¼ of Section 5 T99N R66W (Attachment 1). The period of annual use would be from June 15 to September 1. The proposed project is approximately 6.5 miles East of Harrison, SD.

Proposed Project Review

This project proposes to pump water from Joubert Lake at the statutory limit of one cubic foot of water per second (cfs) for each seventy (70) acres to irrigate two (2) parcels of land totaling 120 acres (Attachment 1). The applicant has not decided on the type of irrigation system to build but wants the capability to simultaneously irrigate both parcels of land should the need arise.

Review of Water Source and Existing Water Rights

The water source for the proposed project is Joubert Lake in Douglas County, SD. Joubert Lake is an intermittent, shallow, prairie lake with a small watershed. Increased precipitation the last several years has increased the surface area of Joubert Lake from approximately 20 to over 100 acres. Presently, the estimated storage capacity of the lake is 500 acre-feet.

The applicant is the sole owner of the land surrounding Joubert Lake and there are no permits or licenses for the appropriation of surface or ground water in the vicinity of the proposed project. There are no conservation easements on the lake or property presently flooded by the lake.

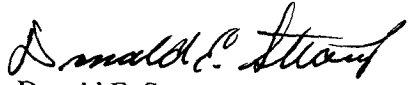
The meteorological conditions the last several years in this area and the estimated 500 acre-feet, or 163 million gallons, of water stored annually in Joubert Lake would presently allow the requested appropriation of 770 gpm from June 15 to September 1. Joubert Lake should not be considered a reliable source of water since the amount of water stored in the lake could decrease significantly during extended periods of low precipitation.

If the permit is issued, it would not relieve the applicant's responsibility of meeting any Federal permit requirements concerning wetlands.

Conclusions

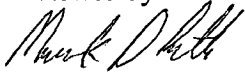
1. Water Permit Application No. 6266-3 proposes to appropriate 1.71 cfs (770 gpm) of water annually from Joubert Lake to irrigate 120 acres.
2. There are no conservation easements on the lake or property presently flooded by the lake.
3. The meteorological conditions the last several years and water presently stored annually should allow the requested appropriation of 770 gpm. Joubert Lake should not be considered a reliable source of water during extended periods of low precipitation.

4. If the permit is issued, it would not relieve the applicant's responsibility of meeting Federal permit requirements concerning wetlands.



Donald E. Stroup
Natural Resources Project Engineer
Water Rights Program

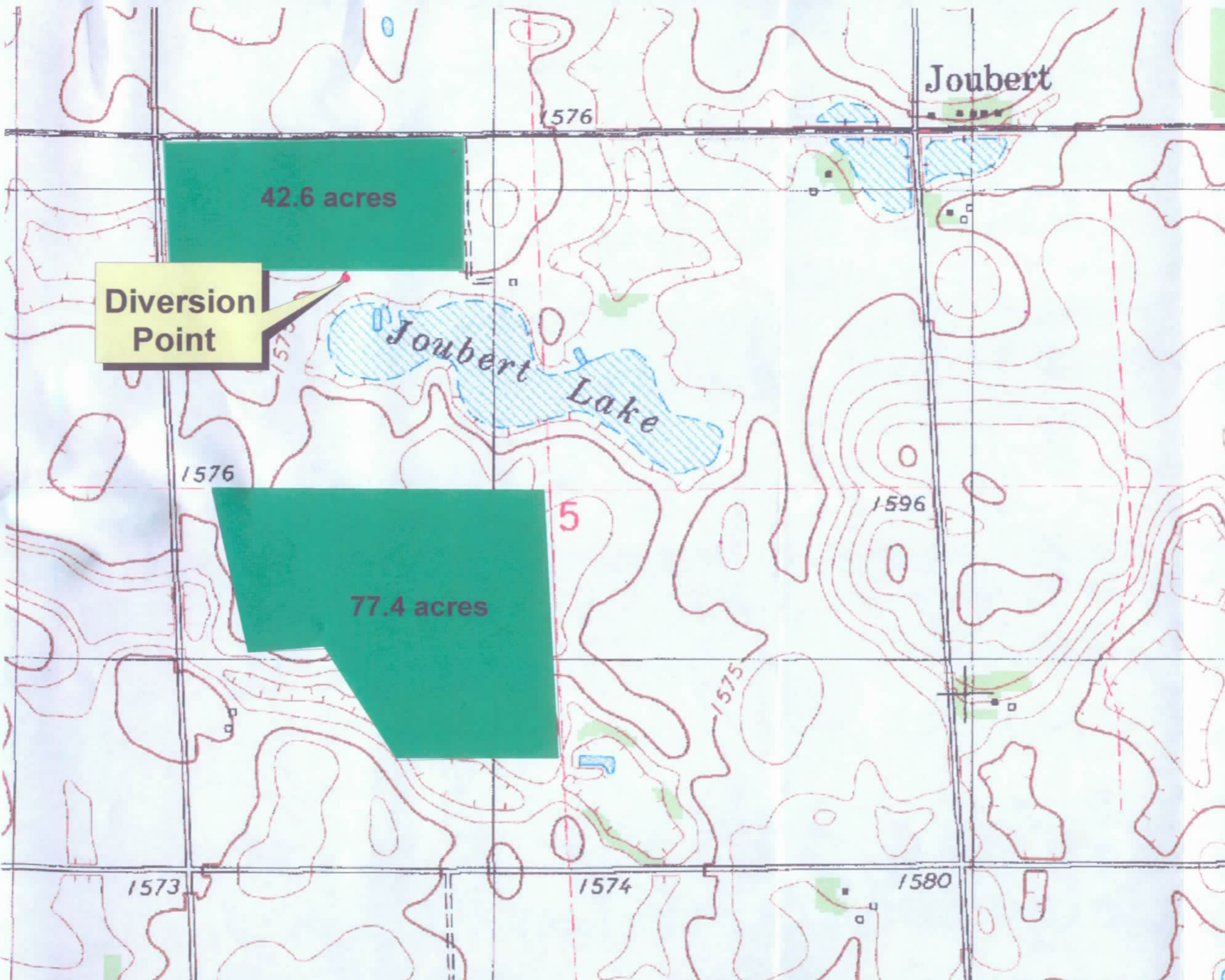
Reviewed by:



Mark D. Rath
Natural Resource Engineering Specialist

References:

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



Permit # 6266-3
Dennis Hubers
37533 274th Street
Harrison, SD 57334
605 243 2384

1.71 cfs (770 gpm)

Diversion Point
NW1/4 NW1/4
Section 5 T99N R66W

Irrigated Land Section 5 T99N R66W	
N1/2 NW1/4	42.6 acres
NE1/4 SW1/4	40.0 acres
NW1/4 SW1/4	26.9 acres
SE1/4 SW1/4	10.5 acres

 Irrigated Acres

6266-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

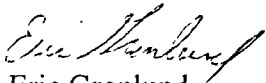
August 1, 2001

Harland Silbaugh
NRCS
PO Box 28
Armour, SD 57313

Dear Mr. Silbaugh,

Enclosed you will find copies of the notice of hearing, report and recommendation on an application that was submitted to our office by Dennis Hubers.

Thank you,


Eric Gronlund
Natural Resources Engineer

enclosures



**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.

August 1, 2001

Dennis Hubers
37533 274th St.
Harrison, SD 57344

Dear Mr. Hubers:

Water Permit Application No. 6266-3 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 Corsica Globe printed at Corsica, SD (Ph # 605-946-5489). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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 57501-3182
www.state.sd.us/denr

August 1, 2001

Corsica Globe
Box 45
Corsica, SD 57328-0045

ATTENTION: Legal Public Notice

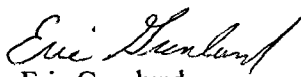
Enclosed is a Notice of Hearing on Application No. 6266-3 to Appropriate Water to be published twice. Please publish the first notice on August 7, 2001 with the second publication 7 days later.

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 Dennis Hubers, 37533 274th St., Harrison, SD 57344 (Ph # 605-243-2384).

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. 6266-3

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

Date _____

We are in receipt of your letter of August 1, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 6266-3 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 August 7, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6266-3 to Appropriate Water

Notice is given that Dennis Hubers, 37533 274th St, Harrison SD 57344 has filed an application for a water permit to appropriate 1.71 cubic feet of water per second (cfs) from Joubert Lake located in the NW ¼ Section 5 to irrigate 120 acres located in the N ½ NW ¼, N ½ SW ¼, SE ¼ SW ¼ Section 5; all in T99N-R66W. Joubert Lake is a small lake which is located entirely on the applicant's property in the portions N ½ Section 5, T99N, R66W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6266-3 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 August 24, 2001.

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

Affidavit Of Publication

STATE OF SOUTH DAKOTA,

County of Douglas

MARY NEUGEBAUER of said County and State, being first duly sworn, on her oath says: THE CORSICA GLOBE is a weekly newspaper of general circulation, published in Corsica, Douglas County, State of South Dakota by MARY NEUGEBAUER and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper; that it has a bona fide paid circulation of more than 200 copies weekly; that it has been published within said County of Douglas in the English language and has been admitted to the United States mail under the second class mailing privilege, for at least one year prior to the publication of such notices; that I the undersigned, am Editor and Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all of the facts stated in this affidavit; that the advertisement headed

Notice of Application

a printed copy of which is hereto attached, was printed and published in said newspaper

for two (2) successive weeks and that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication being made on 8-7, 20 01,

the second publication being made on 8-14, 20 01,

the third publication being made on _____, 20 _____,

the fourth publication being made on _____, 20 _____,

the fifth publication being made on _____, 20 _____,

the sixth publication being made on _____, 20 _____,

the seventh publication being made on _____, 20 _____,

and the eighth publication being made on _____, 20 _____,

that \$ 40.73 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Mary Neugebauer

Subscribed and sworn to before me this 14th day of Aug, 20 01.

Beverly Dienstra

Notary Public, Douglas County, South Dakota

My Commission Expires 10-26-01

Notice of Application No. 6266-3 to Appropriate Water

Notice is given that Dennis Hubers, 37533 274th St., Harrison, S.D. 57344 has filed an application for a water permit to appropriate 1.71 cubic feet of water per second (cfs) from Joubert Lake located in the NW 1/4 Section 5 to irrigate 120 acres located in the N 1/2 NW 1/4, N 1/2 SW 1/4, SE 1/4 SW 1/4 Section 5; all in T99N-R66W. Joubert Lake is a small lake which is located entirely on the applicant's property in the portions N 1/2 Section 5, T99N, R66W.

Pursuant to SDCL 46-2A-2, the chief engineer recommends APPROVAL of Application No. 6266-3 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 and 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, S.D. 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 Aug. 24, 2001.

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.

Steven M. Pirner, secretary
Department of Environment and
Natural Resources 62c877-16c





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 28 2001

Dennis Hubers
37533 274th St.
Harrison, SD 57344

Dear Mr. Hubers:

Enclosed is Water Permit No. 6266-3 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

7-98

Permit No. 6266-3
Missouri 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, August 24, 2004, made a thorough examination of the water use system constructed by Dennis Hubers of 37533 274th Street, Harrison SD 57344 holder of Permit No. 6266-3, bearing the priority of May 31, 2001 authorizing the diversion of 1.71 cu. ft. per second of the waters of Joubert Lake for irrigation purposes, in Douglas County.

Inspection contact & relationship to permit holder, if applicable: **Dennis Hubers, owner**

A. Works used to divert the water:

Pump:

- 1) Make Berkeley

Motor:

- 1) Make Oldsmobile 454 V8

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

Gun:

- 1) Make Water Winch
 2) Capacity 800 GPM
 3) Hose size 4 inches

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 NA
 3) Exceptions to compliance are: none

The system is in good condition with the point(s) of diversion located as follows: Joubert Lake: 1,150 feet S and 1,550 feet E (NE $\frac{1}{4}$ NW $\frac{1}{4}$ -- Lat 43.424364, Long -98.681889); 1,900 feet S and 2,000 feet E (SE $\frac{1}{4}$ NW $\frac{1}{4}$ -- Lat 43.422213, Long -98.680024); all from the NW corner section 5-T99N-R66W. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows: all in section 5-T99N-R66W

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17 acres
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 25.6 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 39 acres
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 26.4 acres
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 12 acres

comprising a total of 120 acres of land and the license should be issued for 1.71 cfs.

All structures, wells and lands on map Y | Comments or other permit(s) associated with the project: none



Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

Date report completed: September 27, 2004

Scale: 1 inch equals 691 feet

975

Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Completed by:

Ron Duvall
Ron Duvall, Natural Resources Engineer
Water Rights Program

Date: Sep 22, 2004

Water Right No. 6266-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 30 2004

6266-3

Dennis Hubers
37533 274th St
Harrison SD 57344

Dear Mr. Hubers:

Enclosed is your Water License No. 6266-3 and a map prepared by the staff engineer who conducted the field investigation. Water License No. 6266-3 is the final document which completes the process of obtaining a water right.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6266-3

(1) Dennis Hubers, 37533 274th St, Harrison SD 57344 made Application No. 6266-3, May 31, 2001 for a water permit to divert 1.71 cubic feet of water per second from Joubert Lake, Douglas County, South Dakota for irrigation purposes. Permit No. 6266-3, with a priority date of May 31, 2001 was approved August 24, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 24, 2006 and for the application to beneficial use of water on or before August 24, 2010.

On January 14, 2002, the permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*". The "*Notice*" indicated the water use system was completed and water applied to beneficial use in July of 2001.

(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, Dennis Hubers the holder and/or owner of Water Right No. 6266-3 is issued a license, bearing a priority date of May 31, 2001 to appropriate 1.71 cubic feet of water per second from Joubert Lake to irrigate 120 acres.

The diversion points are located as follows:

- 1,150 feet S and 1,550 feet E of the NW corner of Section 5, T99N, R66W (NE ¼ NW ¼); and
- 1,900 feet S and 2,000 feet E of the NW corner of Section 5, T99N, R66W (SE ¼ NW ¼).

The acres authorized for irrigation are as follows:

Section 5, T99N, R66W			
NE ¼ NW ¼	17.0 acres	NE ¼ SW ¼	39.0 acres
NW ¼ NW ¼	25.6 acres	NW ¼ SW ¼	26.4 acres
		SE ¼ SW ¼	12.0 acres
Total 120 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6266-3 including the following qualification:

- This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Garland Erbele

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

NOV 30 2004

date

