

WATER PERMIT NO. 6299A-3

Name of Applicant: Curtis Buhler

Address: 28455 396th Ave, Armour SD 57313 Phone: 605 779-6561

Amount of Water Claimed: no add'l Total Acres: no add'l

Source of Water Supply: groundwater (two wells)

Water to be used for: irrigation County: Douglas

Type of Waste Disposal System:

Location: 6 miles southwest of Armour

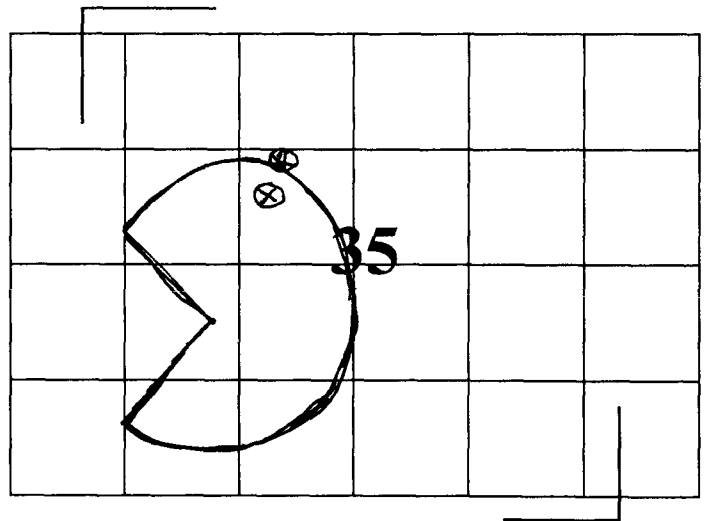
PRIORITY Date Received: 2-18-2011 Application/License Fee: \$300

Corrected Application Received: Period of Annual Use: April 1 – Sept 30

Remarks: Change acreage location and change period of annual use

Diversion Point: E ½ NW ¼, SE ¼ NW ¼ Sec 35-
T98N-R63W

Land to be Irrigated: S ½ NW ¼, SW ¼ Sec 35-
T98N-R63W



Depth of Well: 36 & 34 feet deep

Well Driller: Lacey Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Theresa Holderby, Douglas Co FSA

Reviewed and the Number Assigned on: 2-28-2011

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

RECEIVED

FEB 18 2011

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>6299A-3</u>	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Armour Chronicle PO Box 129</u>	
	<u>605-724-2747</u>	<u>57313</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6299-3
(Use predates Mar 2, 1955)

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

Move pivot south to land that I own and also amend the water right for a greater period of Annual Use

1. Name of Applicant Curtis Buhler Phone 605-779-6561
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 28455 396th Ave Armour SD 57313
(Address) (City) (State) (Zip Code)
2. Amount of water claimed No Additional CFS or **GPM ***AF Total Acreage No Additional
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
3. Source of water supply Delmont Aquifer
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Douglas
See Permit 6299-3

5. County or counties where water will be used Douglas
6. Annual period during which water is to be used Apr. 1 - Sept 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
SW1/4 NW1/4 Sec. 35	40	SW1/4 SW1/4 Sec. 35	10
SE1/4 NW1/4 Sec. 35	30	SE1/4 SW1/4 Sec. 35	10
NW1/4 SW1/4 Sec. 35	40		
NE1/4 SW1/4 Sec. 35	35	all in T98N R63W	

8. Give a description of the project. (Attach sheet if more space is needed)
Moving pivot authorized by water Right No. 6299-3 to the south. Existing full rotation pivot irrigates 217 Acres, but new location will be unable to have full rotation. Therefore only 165 acres will be irrigated. Same well as authorized by WR No. 6299-3 will be used.

STATE OF SOUTH DAKOTA)
County of DOUGLAS) SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

I, CURTIS BUHLER, 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 Curtis BuhlerSubscribed and sworn to before me this 16 day of February 20 11

8, continued
I own all of the land to
be irrigated.

Randall Larson
Notary Public signature
REGISTER OF DEEDS

**SOUTH DAKOTA
WATER PERMIT NO. 6299A-3**

Date of first receipt of application February 18, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6299A-3 to Curtis Buhler, 28455 396th Ave, Armour SD 57313 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. 6299A-3 amends Water Right No. 6299-3. Water Right No. 6299-3 appropriates 2.00 cubic feet of water per second from two wells completed into the Delmont Aquifer (36 and 34 feet deep) located in E 1/2 NW 1/4 and SE 1/4 NW 1/4 Section 35 to irrigate 217 acres located in the NW 1/4, W 1/2 NE 1/4, N 1/2 SW 1/4, NW 1/4 SE 1/4 Section 35-T98N-R63W. This permit authorizes moving the pivot south within the same section. The pivot will no longer make a full rotation but will be irrigating 165 acres located in the S 1/2 NW 1/4 and the SW 1/4 Section 35-T98N-R63W. This permit authorizes a total of 2.0cfs for irrigation of 165 acres.
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: April 1 – September 30.
3. The date from which applicant may claim right is February 11, 2002.
4. The date of approval of Permit No. 6299A-3 is May 20, 2011.
5. All construction is to be completed on or before May 20, 2016.
6. Water is to be put to beneficial use on or before May 20, 2020.
7. 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit Nos. 6299-3 and 6299A-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.
3. Permit No. 6299A-3 incorporates the applicable portions of Water Right No. 6299-3 and the abandoned portions of No. 6299-3 is cancelled.
4. 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

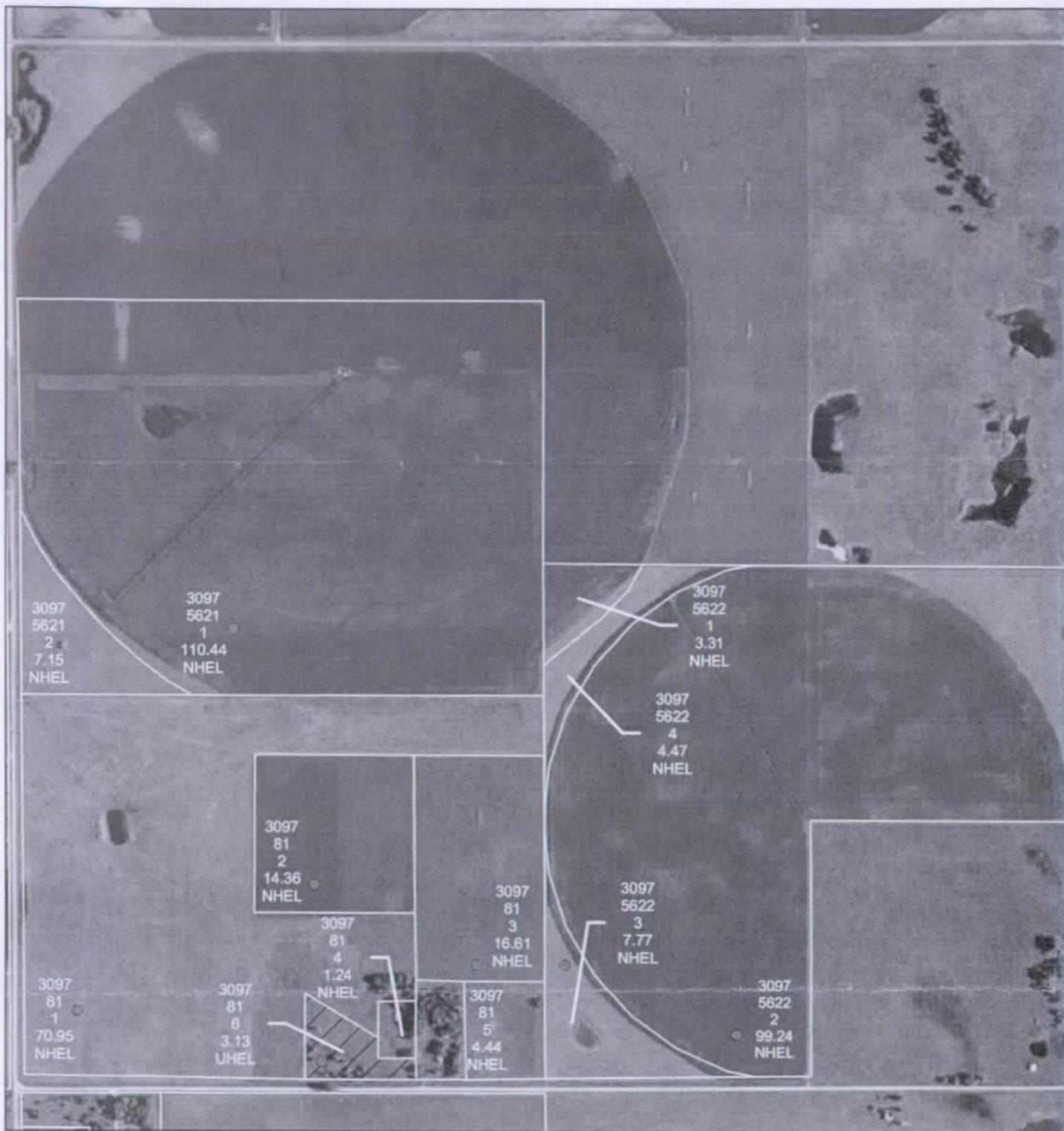
SEP 01 2011
date



Map received from Eric Gronlund, from the Water Rights
Program, SD DNR.

Roger Banick
Douglas County Extension 2-11-11





United States Department of Agriculture
Farm Service Agency

PLSS: 35_98N_63W
Farm: 3097

Douglas County, SD
1:8,089

November 09, 2010



Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Common Land Units

//// Non Cropland

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

2010 Ortho-Photography - Not to Scale

Theresa Holderly

This map was obtained from the Douglas Co. PSA, SD Office. 2-11-11

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/24, 20 11

RECEIVED OF Curtis Buhler 28455 396th Ave Armour SD 57313

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

Fee for Application for Permit No. <u>6299A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>6299A-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300 00

No. **04935**

By Laral Erbe
Chief Engineer

Schlaak, Karen

From: Gronlund, Eric
Sent: Friday, February 11, 2011 4:09 PM
To: COUNTY, DOUGLAS
Subject: RE: buhler pivot application (6299-3)
Roger

Attached is my map that provides my understanding on what Mr. Buhler intends to do. The current pivot is able to irrigate 217 acres which matches up with the number of acres authorized on the water right. By moving the pivot south, it will no longer be able to make full rotation and will irrigate 165 acres according to the irrigation consultant's estimate and that's very close to the number I arrived at when digitizing the area.

Here are my specific comments.

I believed the description at the top should be - move pivot south to land that I own and also amend the water right for a greater period of annual use.

Item No. 2 amount of water claimed. under total acres I believe this is also "no additional"

Item No. 8 - try this language "Moving pivot authorized by Water Right No. 6299-3 to the south. Existing full rotation pivot irrigates 217 acres but new location will be unable to have full rotation therefore only 165 acres will be irrigated. Same well as authorized by WR No. 6299-3 will be used. I own all of the land to be irrigated.

If you are comfortable doing so, both maps should be signed.

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

-----Original Message-----

From: DOUGLAS COUNTY [mailto:Douglas.County@sdstate.edu]
Sent: Friday, February 11, 2011 2:53 PM
To: Gronlund, Eric
Subject: buhler pivot application

Hi Eric,

Attached are scanned images of Buhler's proposed application and maps.

We will redo the application if it looks good to you.

Note there is a file named the proposed map and the present map.

We will redo the app and get the signatures.

Thanks for looking it over.

Roger Barrick

Douglas County Extension Office
Box 25
Armour, SD 57313
605-724-2719





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 25, 2011

Gwen Nelson
8036 60th Street North
Stillwater MN 55082

Dear Ms. Nelson:

Enclosed is a copy of the report, recommendation and public notice for South Dakota Water Permit Application No. 6299A-3-3 filed by Curtis Buhler in Douglas County, South Dakota . The public notice is scheduled to be published May 3 and 10, 2011 in the Armour Chronicle.

This information is being sent since it is our understanding you own the land in the N ½ NW ¼ of Section 35 that will no longer be irrigated.

If you have any questions regarding DENR's review of the application please contact me at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 6299A-3, Curtis Buhler**

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. 6299A-3. Curtis Buhler, 28455 396th Avenue, Armour SD 57313.

The Chief Engineer is recommending APPROVAL of Application No. 6299A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use, and 3) it is in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7233-3 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.
3. Permit No. 6299A-3 incorporates the applicable portion of Water Right No. 6299-3 and the abandoned portion of No. 6299-3 is cancelled.
4. 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
April 20, 2011

**Report on Water Permit Application No. 6299A-3
for Curtis Buhler
March 3, 2011**

Application No. 6299A-3 proposes to amend Water Permit No. 6299-3. Water Permit No. 6299-3 appropriates 900 gallons per minute (2.0 cfs) from two wells approximately 35 feet deep completed into the Delmont aquifer located in the approximate center of the NW $\frac{1}{4}$ Section 35 to irrigate 217 acres in the NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35; all in T98N-R63W in Douglas County. This application proposes to move the center-pivot south in the same section. The pivot will no longer make a full rotation and will only irrigate about 165 acres in the S $\frac{1}{2}$ NW $\frac{1}{4}$, and the SW $\frac{1}{4}$, Section 35-T98N-R63W. The annual period during which water will be used is April 1 through September 30.

AQUIFER: Delmont (D)

This report will address the availability of unappropriated water from the Delmont aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Delmont Aquifer is a surficial outwash (sand and gravel) that is under water table conditions in the area of this application. The aquifer underlies 15,700 acres and contains an estimated 35,320 acre-feet of recoverable water in Douglas County (Hedges, 1982). The aquifer extends into Charles Mix County to the south where it underlies 12,200 acres and contains an estimated 36,610 acre-feet of water in storage (Hedges, 1982). Ground water movement is likely from northwest to southeast across the area of this application (Kume, 1977). Recharge to the aquifer has been estimated to average 5.6 inches per year (Hedges, 1983). A recharge rate of 5.6 inches per year equates to about 7,326 acre-feet of recharge per year.

Well logs on file for Water Permit No. 6299-3 indicate top soil from the surface to six feet below surface, rusty gravel from six to 20 feet below surface, gray gravel from 20 to 35 feet below surface. The static water level for those wells was reported as 9.5 feet below land surface.

Observation Well Data:

The Water Rights Program monitors three observation wells completed into the Delmont aquifer located within two miles of the application location. Observation wells and their respective locations are as follows: CM-72A-1.5 miles south-southwest, DG-72B one mile southeast, DG-57A-1.6 miles east. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. Hydrographs for these observation wells are included with this report.

Interference is not expected to occur.

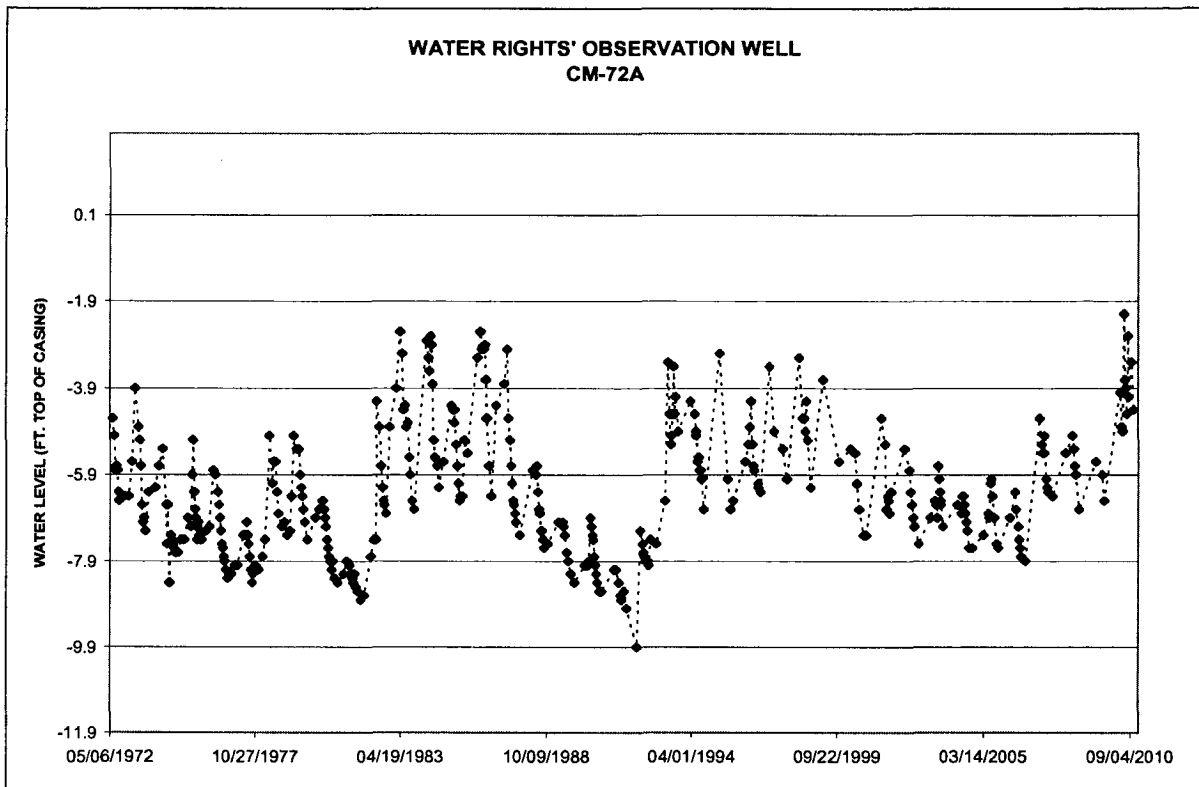


Figure 1. Hydrograph for Water Rights Observation Well CM-72A, completed into the Delmont Aquifer within two miles of 6299A-3.

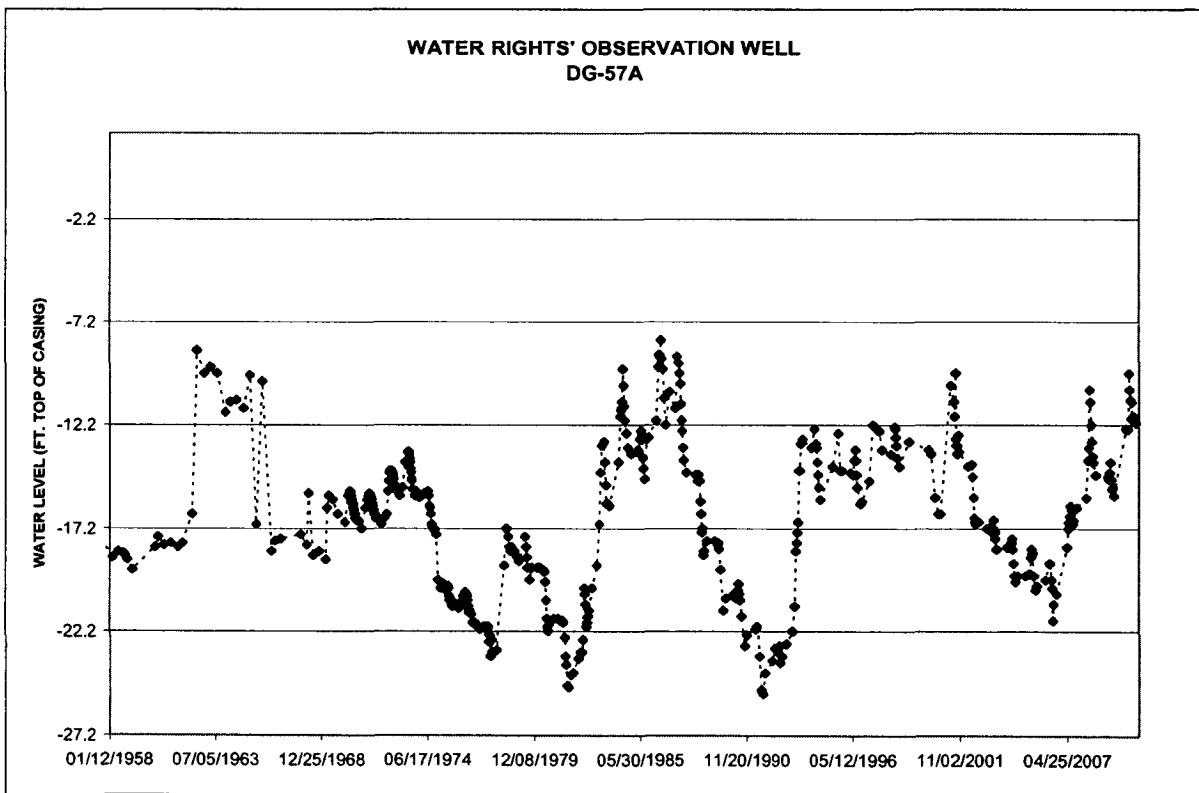


Figure 2. Hydrograph for Water Rights Observation Well DG-57A, completed into the Delmont Aquifer within two miles of 6299A-3.

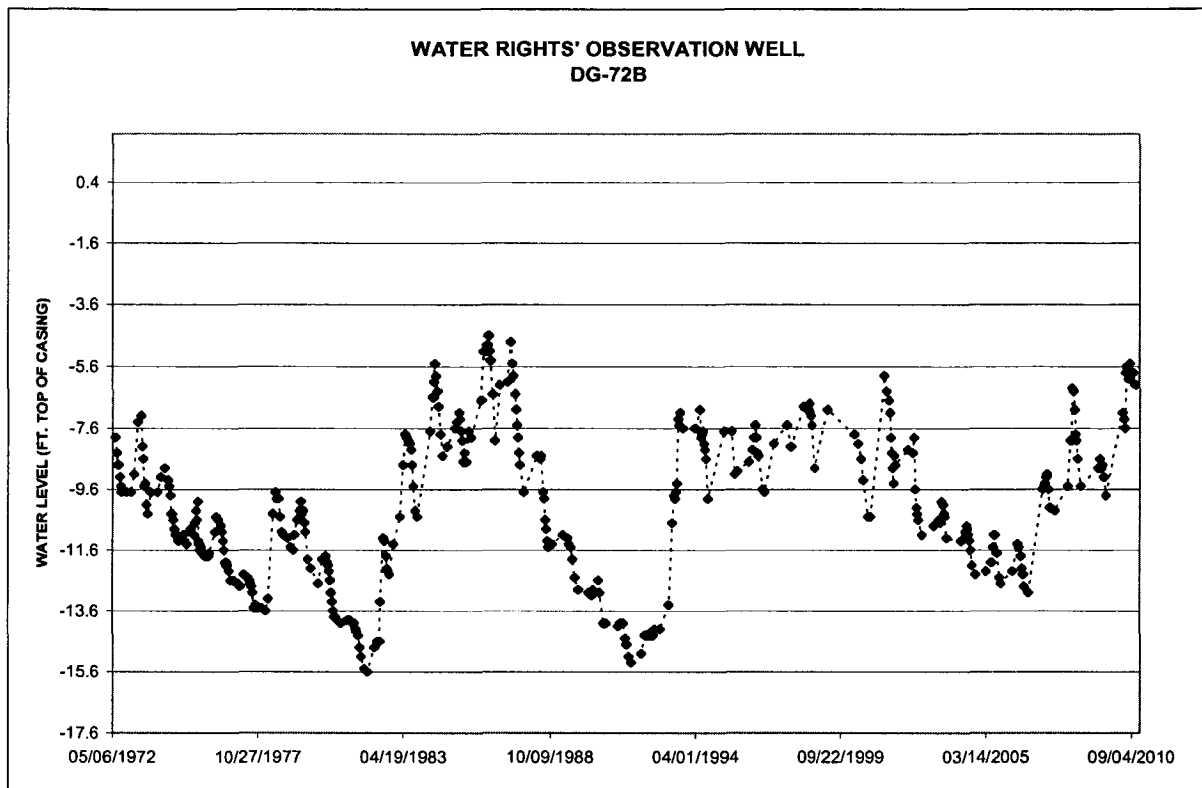


Figure 3. Hydrograph for Water Rights Observation Well DG-72B, completed into the Delmont Aquifer within two miles of 6299A-3.

In general, the hydrographs show that over the period of record, withdrawals have not exceeded recharge.

Review of Existing Water Permits/Rights/Water Use:

There are three existing water permits within one mile of the application location. Two of those existing permits divert water from the Delmont aquifer. Interference has not been an issue in the past and should not be a problem since this application does not divert additional water.

In 2009, there were 17 permits to withdraw water from the Delmont aquifer. The amount appropriated was 6,406.00 acre-feet and the reported water use was 1,563.84 acre-feet (Water Rights, 2011).

Conclusions:

1. Water is available from Delmont aquifer.
2. The aquifer is under water table conditions at this location. Interference may occur but is not expected to be adverse because the observation well hydrographs show that drawdown due to pumping does not extend very far from individual production wells.

3. If the wells covered by this permit depletes the domestic supplies or interferes with prior water rights, restrictions or other arrangements may be required to protect these water supplies.
4. The wells authorized by 6299-3 appear to be constructed in accordance with SD Well Construction Standards.
5. If Permit No. 6299A-3 is approved; Permit No. 6299-3 will be canceled.

Hayes Haas

Hayes Haas
Natural Resources Engineer

Bibliography:

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

Hedges, L.S. et al, 1983, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Groundwater Recharge, for the U.S. Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD 57069

Kume, J., 1977, Geology and Water Resources of Charles Mix and Douglas Counties, South Dakota, Bulletin 22, Part II: Water Resources, SD DENR, SDGS, Vermillion, SD, 57069

Water Rights, 2011, Unpublished Observation Well Data for the Delmont Aquifer, Water Permit Files, and Irrigation Records SD DENR, DES, Water Rights Program, Pierre, SD, 57501

Affidavit Of Publication

RECEIVED

STATE OF SOUTH DAKOTA,

JUN - 1 2011

County of Douglas

WATER RIGHTS PROGRAM

MARY NEUGEBAUER of said County and State, being first duly sworn, on her oath says: **THE ARMOUR CHRONICLE** is a weekly newspaper of general circulation, published in Armour, 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 app to Amend Water
Right No. 6299-3

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

for two 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 5-3, 20 11,

the second publication being made on 5-10, 20 11,

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 _____,

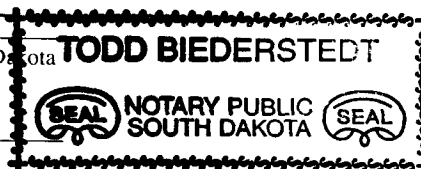
that \$ 58.48 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Mary Neugebauer

Subscribed and sworn to before me this 31 day of may, 20 11.

Todd Biederstedt
Notary Public, Douglas County, South Dakota

My Commission Expires 7-26-11



Notice of application No. 6299A-3 to Amend Water Right No. 6299-3

Notice is given that Curtis Buhler, 28455 396th Ave, Armour, SD 57313, has filed an application to amend Water Right No. 6299-3.

Water Right No. 6299-3 appropriates 2.00 cubic feet of water per second from two wells completed into the Delmont Aquifer (36 and 34 feet deep) located in E 1/2 NW 1/4 and SE 1/4 NW 1/4, Section 35 to irrigate 217 acres located in the NW 1/4, W 1/2 NE 1/4, N 1/4 SW 1/4, NW 1/4 SE 1/4, Section 35-T98N-R63W.

This application proposes to move the pivot south within the same section. The pivot will no longer make a full rotation but will be irrigating 165 acres located in the S 1/2 NW 1/4 and the SW 1/4, Section 35-T98N-R63W. The applicant is also requesting to change the annual period during which the water is used to April 1 thru September 30. This application, if approved, does not increase the diversion rate and will decrease the number of acres being irrigated.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from a parcel of land and simultaneously transferred another parcel if it is impractical to use all or any part of the water beneficially or economically for irrigation on the current land. By trans-

ferring acreage contiguous to the permitted acreage in this manner all the land now being proposed to be irrigated is owned entirely by Mr. Buhler.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6299A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this 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 this 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 20, 2011.

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.

Published twice at the total approximate cost of \$58.48.

80a5/3-5/10c



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 25, 2011

The Armour Chronicle
PO Box 129
Armour SD 57313

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6299A-3 to Appropriate Water to be published twice. Please publish the first notice on May 3, 2011 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Curtis Buhler, 28455 396th Ave., Armour SD 57313 (Ph # 605-779-6561).

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. 6299A-3

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

Date _____

We are in receipt of your letter of April 25, 2011 enclosing Notice to Appropriate Water by Application No. 6299A-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**

PMB 2020
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.

April 25, 2011

Curtis Buhler
28455 396th Ave
Armour SD 57313

Dear Mr. Buhler:

Water Permit Application No. 6299A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Armour Chronicle printed at Armour SD (Ph # 605-724-2747). 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 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 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. 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
eric.gronlund@state.sd.us

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 May 3, 2011 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 6299A-3 to Amend Water Right No. 6299-3

Notice is given that Curtis Buhler, 28455 396th Ave, Armour SD 57313 has filed an application to amend Water Right No. 6299-3. Water Right No. 6299-3 appropriates 2.00 cubic feet of water per second from two wells completed into the Delmont Aquifer (36 and 34 feet deep) located in E ½ NW ¼ and SE ¼ NW ¼ Section 35 to irrigate 217 acres located in the NW ¼, W ½ NE ¼, N ½ SW ¼, NW ¼ SE ¼ Section 35-T98N-R63W. This application proposes to move the pivot south within the same section. The pivot will no longer make a full rotation but will be irrigating 165 acres located in the S ½ NW ¼ and the SW ¼ Section 35-T98N-R63W. The applicant is also requesting to change the annual period during which the water is used to April 1 thru September 30. This application if approved does not increase the diversion rate and will decrease the number of acres being irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6299A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this 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 this 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 20, 2011.

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.

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 01 2011

Curtis Buhler
28455 396th Ave
Armour SD 57313

Dear Mr. Buhler:

Enclosed is Water Permit No. 6299A-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

RECEIVED

NOV 01 2011

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate Oct 27 2011

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

FROM:

Curtis Butler

(name)

28455 396th Ave

(address)

ARMOUR S.D. 57313

(city, state, zip)

605 779 6561

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6299A-3 states that the water use system is to be constructed by

MAY 20 2016
(date), and water is to be put to beneficial use by MAY 20 2020
(date)

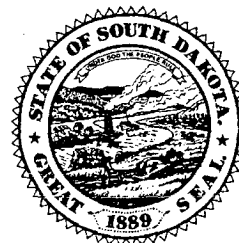
The water use system was completed on July 1 2011
(date)

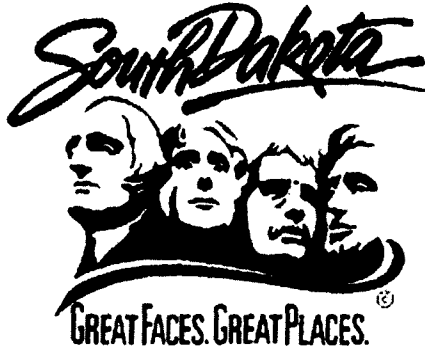
Applying the water to beneficial use was completed on July 1 2011
(date)

You may schedule an investigation so that the water license may be issued.

Curtis Butler

(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 1, 2011

6299A-3

Curtis Buhler
28455 396th Ave
Armour SD 5733

Dear Mr. Buhler:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

6299A-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date November 2, 2020RECEIVED OF Buhler Farms, LLC 28326 Broadway St Delmont SD 57330

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>6299A-3</u>	\$50.00
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	\$50.00

By Eric Gronlund

Chief Engineer

me

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

NOV - 2 2020

Ck# 2010

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

NOV 02 2020

WATER RIGHTS
PROGRAMWater Right/Permit No. 6299A-3Date: 10-30-2020I/We request that Water Right/Permit No. 6299A-3 formerly owned by:Curtis Buhler

be transferred to:

New Owner Name: Buhler Farms LLCAddress: 28326 Broadway StCity, State, Zip Delmont S.D. 57330 Telephone No. 605-661-0988

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

Sec 35 - T098N - R63W, SW1/4NW1/4	- 40 acres
Sec 35 - T098N - R63W, SE1/4NW1/4	- 30 acres
Sec 35 - T098N - R63W, NW1/4 SW1/4	- 40 acres
Sec 35 - T098N - R63W NE1/4 SW1/4	- 35 acres
Sec 35 - T098N - R63W SW1/4 W1/4	- 10 acres
Sec 35 - T098N R63W, SE1/4 SW1/4	- 10 acres

☒ I understand that the validity of Water Right/Permit No. 6299A-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Nya Goehring, the new owner, certify that the above information is true and correct.

Nya Goehring
(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.

6299A-3



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

November 3, 2020

6299A-3
6513-3

Nya Goehring
Buhler Farms LLC
28326 Broadway St
Delmont SD 57330

Dear Ms. Goehring:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Permit Nos. 6299A-3 and 6513-3.

The ownership changes have been completed. The water permits formerly held by Curtis Buhler are now listed under Buhler Farms LLC.

Enclosed for your records are receipts for the filing fees you paid. If you have any questions, please let us know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures