

WATER PERMIT NO. 6318-3

Name of Applicant: Nachtigal Farms, Gary Nachtigal

Address: Box 562, Platte SD 57369

Phone: 605 337-3619

Amount of Water Claimed: 8.44 cfs

Total Acres: 660

Source of Water Supply: Missouri River

Water to be used for: irrigation

County: Hughes

Type of Waste Disposal System:

Location: approximate 20 miles southeast of Pierre

PRIORITY

Date Received: 4-1-2002

Fee: \$450

Corrected Application Received:

Period of Annual Use: April 1 – September 30

Remarks:

Diversion Point: SE ¼ SE ¼ Sec 12-T108N-R76W

Land to be Irrigated: SE ¼, SE ¼ SW ¼ Sec 8;
N ½, SE ¼ NE ¼ SW ¼ Sec 17; T108N-R75W

Depth of Well: NA

Well Driller: : NA

Remarks:

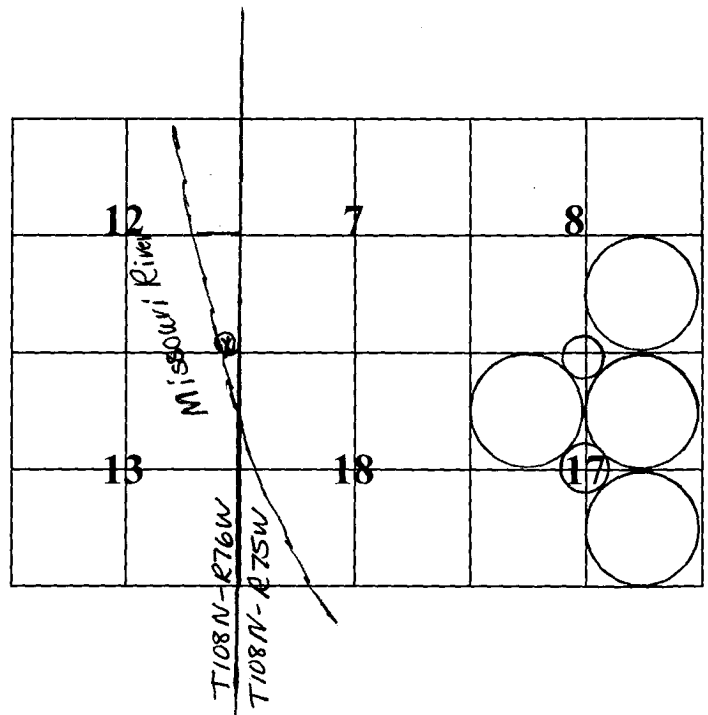
Type of Map: topo

Prepared by: James Witt, PE

Reviewed and the Number Assigned on: 4-1-2002

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6318-3

Date of first receipt of application April 1, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6318-3 to Gary Nachtigal, Nachtigal Farms, PO Box 562, Platte SD 57369-6013 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. 6318-3 appropriates 8.44 cubic feet of per second of water from the Missouri River located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12-T108N-R76W to irrigate 660 acres located in the SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, N $\frac{1}{2}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17; all in T108N-R75W.
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 April 1, 2002.
4. The date of approval of Permit No. 6318-3 is June 17, 2002.
5. One-fifth of the construction is to be completed on or before December 17, 2004.
6. All construction is to be completed on or before June 17, 2007.
7. Water is to be put to beneficial use on or before June 17, 2011.
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

JUL 31 2002

date



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6318-3</u>	(office use only)
	Basin <u>Missouri River</u>	Hydrologic Unit <u>10140101</u>
	Newspaper <u>Capital Journal, Pierre</u>	

RECEIVED
APR - 1 2002
WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: X 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 Gary Nachtigal-Nachtigal Farms Phone 605-337-3619
 (check one) Owner Tenant/lessee
 Mailing Address Box 562 Platte, SD State 57369-6013
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 8.466 *CFS or 3800 **GPM ***AF Total Acreage 660
 (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Missouri River - Lake Sharpe
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) River Pump
Site ^{SE 1/4} S.E. 1/4 section 12 - Tshp 108 North
Range 76 West County Hughes
- County or counties where water will be used Hughes County
- Annual period during which water is to be used April - Sept 30

- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description <u>R75W</u>	Acres	Land Description	Acres
SE 1/4 Sect 8 Tshp 108 N	160	SE 1/4 Sect 17 Tshp 108 N	160
SW 1/4 Sect 8 Tshp 108 N	10 ^{NE 1/4}	SW 1/4 Sect 17 Tshp 108 N	10
NE 1/4 Sect 17 Tshp 108 N	160		
NW 1/4 Sect 17 Tshp 108 N	160		

- Give a description of the project. (Attach sheet if more space is needed)
 Adding 2-200 HP Electric pumps and motors to the original pumpsite.
 Installing new pipelines, wire and pivots to irrigate the above land.

STATE OF SOUTH DAKOTA) SS
 County of Hughes

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, Gary Nachtigal, 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 Gary Nachtigal

Subscribed and sworn to before me this 29 day of March 20 02

Nancy F.
 Notary Public signature

May Commission Expires May 4, 2007

August 8, 2000

South Dakota Regulatory Office
28563 Powerhouse Road, Room 120
Pierre, South Dakota 57501

Nachtigal Farms, Inc.
Attn: Gary Nachtigal
RR3 Box 171
Platte, South Dakota 57369

Dear Mr Nachtigal:

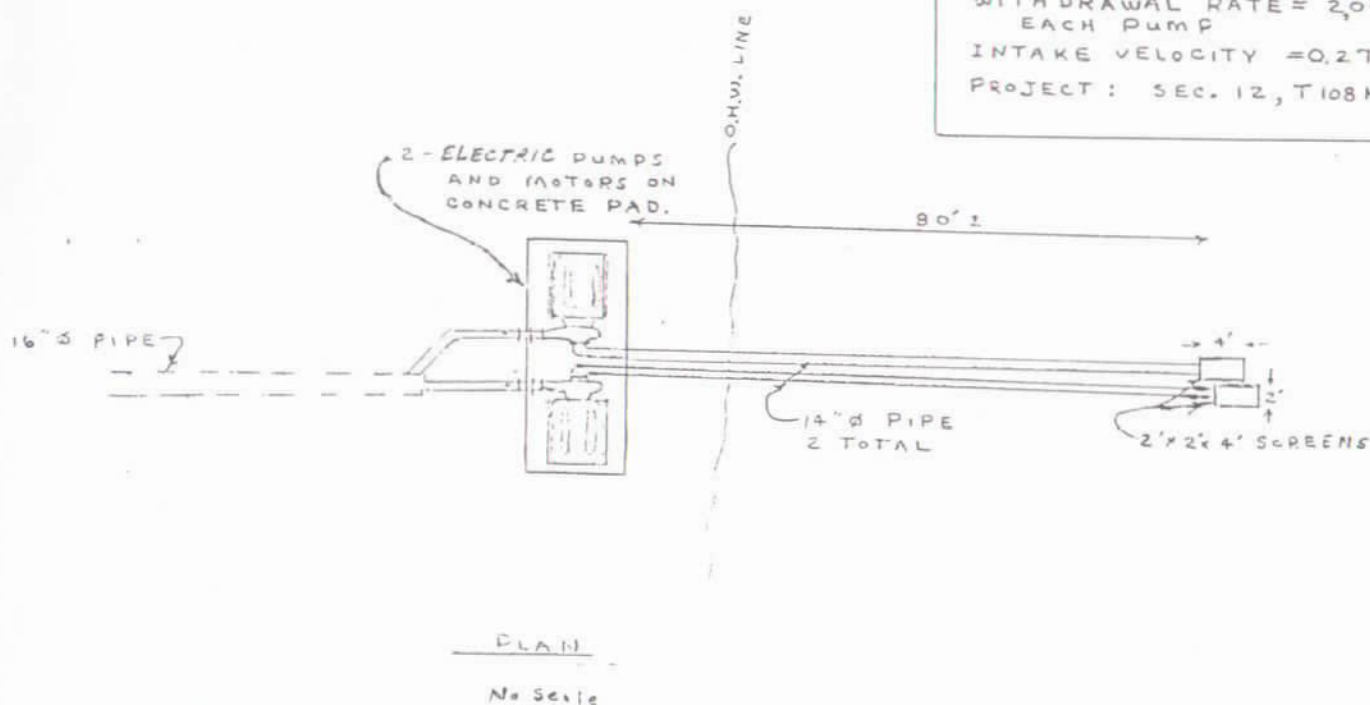
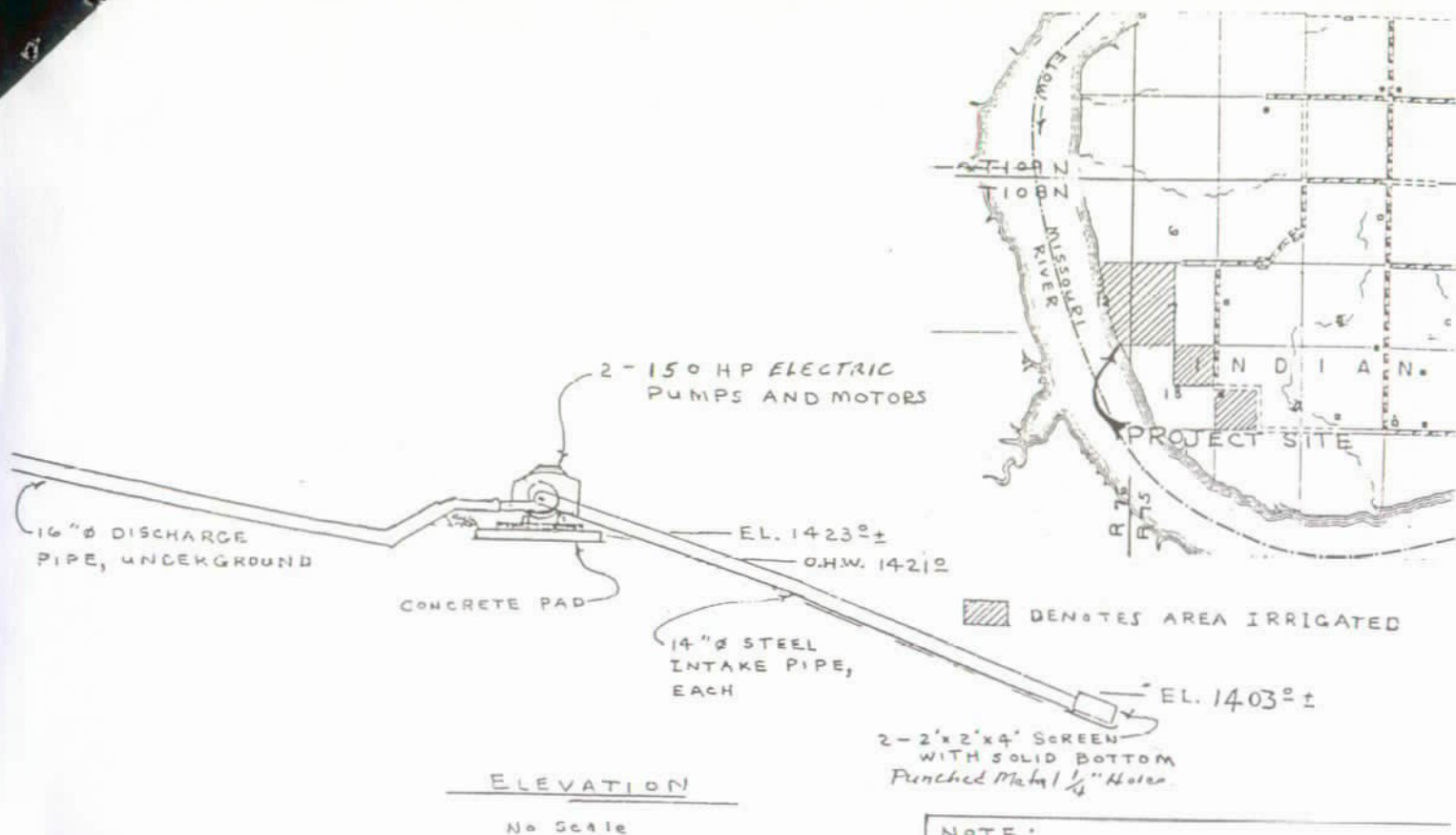
Reference is made to your application for a Department of the Army permit for after-the-fact placement of an irrigation intake structure in the Missouri River (Lake Sharpe) at mile 1033.05, located in the Southeast Quarter of Section 12, Township 108 North, Range 76 West, Hughes County, South Dakota.

Based on the information submitted, the water intake project, as described on the enclosed drawings, meets the criteria established for General Permit 90-04 and has been assigned application number 199930332.

Accordingly, for the purposes of Section 10 of the Rivers and Harbor Act (33 USC 403) and in accordance with 33 CFR Part 325.5(c)(1), the intake structure placement is authorized without further processing provided the stipulations, conditions and criteria of General Permit 90-04 (copy enclosed) are strictly adhered to.

As a special condition to this permit, the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

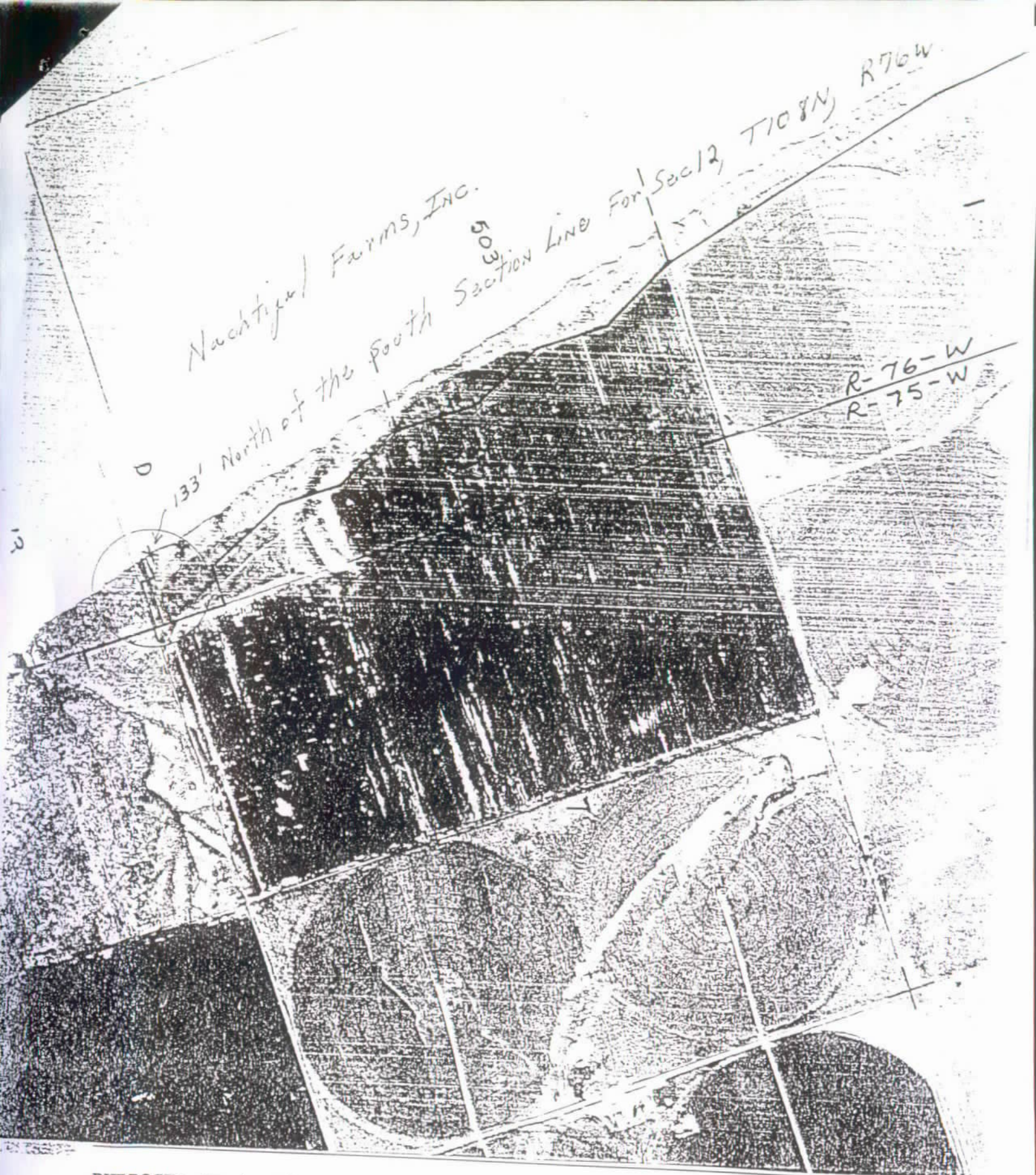
Any changes to the size, location or withdrawal rate of this structure from that identified herein may require additional Department of the Army Authorization.



PURPOSE: Irrigation
APPLICATION BY:
 Nachtigal Farms, Inc.

GP 90-04, No. 199930332

IN Missouri River (Lake Sharpe)
 Mile 1033.05
AT Sec. 12/T108N/R76W
COUNTY Hughes
DATE 7/21/2000
SHEET 1 of 2



PURPOSE: Irrigation
APPLICATION BY:
Nachtigal Farms, Inc.

GP 90-04, No. 199930332

IN Missouri River (Lake Sharpe)
Mile 1033.05
AT Sec. 12/T108N/R76W
COUNTY Hughes
DATE 7/21/2000
SHEET 2 of 2

**APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)**

OMB APPROVAL NO. 0710-000
Expires June 30, 2000

The Public burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please **DO NOT RETURN** your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research and Sanctuaries Act, 33 USC 1413, Section 103. **Principal Purpose:** Information provided on this form will be used in evaluating the application for a permit. **Routine Uses:** This information may be shared with the Department of Justice and other federal, state, and local government agencies. **Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.** One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO. Assigned by Corps	2. FIELD OFFICE CODE Assigned by Corps	3. DATE RECEIVED Assigned by Corps	4. DATE APPLICATION COMPLETED Assigned by Corps
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME Gary Nachtigal	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) Morris, Inc. Milton Morris, President
6. APPLICANT'S ADDRESS 26988 356th Avenue Platte, SD 57369	9. AGENT'S ADDRESS PO Box 1162 Pierre, SD 57501
7. APPLICANT'S PHONE NOS. W/AREA CODE a. Residence 605-337-3619 b. Business 605-280-1630	10. AGENT'S PHONE NOS. W/AREA CODE a. Residence b. Business 605-223-2585

STATEMENT OF AUTHORIZATION

I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE _____

DATE _____

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)
Nachtigal Pivot/Pipeline Expansion Project

13. NAME OF WATERBODY, IF KNOWN (if applicable)
Lake Sharpe

14. PROJECT STREET ADDRESS (if applicable)
22146 Nachtigal Road
Harrold, SD 57536

15. LOCATION OF PROJECT

Hughes

COUNTY

South Dakota
STATE

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN, (see instructions)

LEGAL DESCRIPTION - SECTION, TOWNSHIP, RANGE

Section 17 and 18 Township 108 North Range 75 W

17. DIRECTIONS TO THE SITE

1/2 mile South and 1 mile West of Nachtigal Farm Site

18. Nature of Activity (Description of project. Include all features)

Expand original "Bisson" pump-site. Install two (2) new 200 h.p. motors with pumps capable of pumping 1900 g.p.m. each for a total of 3800 g.p.m.. Install a pipeline east approx. 6000' then to as many as six (6) pivots on sections 17 and 8.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

To irrigate farm crops on section 17 and 8 using pivots.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

To provide a level usable site for two (2) new 200 h.p. motors with pumps beside existing "Bisson" site motors.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

As much as 2000 yards of Sandy Clay material to be excavated and moved to area specified and agreed by all.

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

None

23. Is Any Portion of the Work Already Complete? Yes ☐ No ☒ IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

CROW CREEK SIOUX TRIBE

25. List of Other Certifications or Approvals/Denials Received from other Federal, State or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
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*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

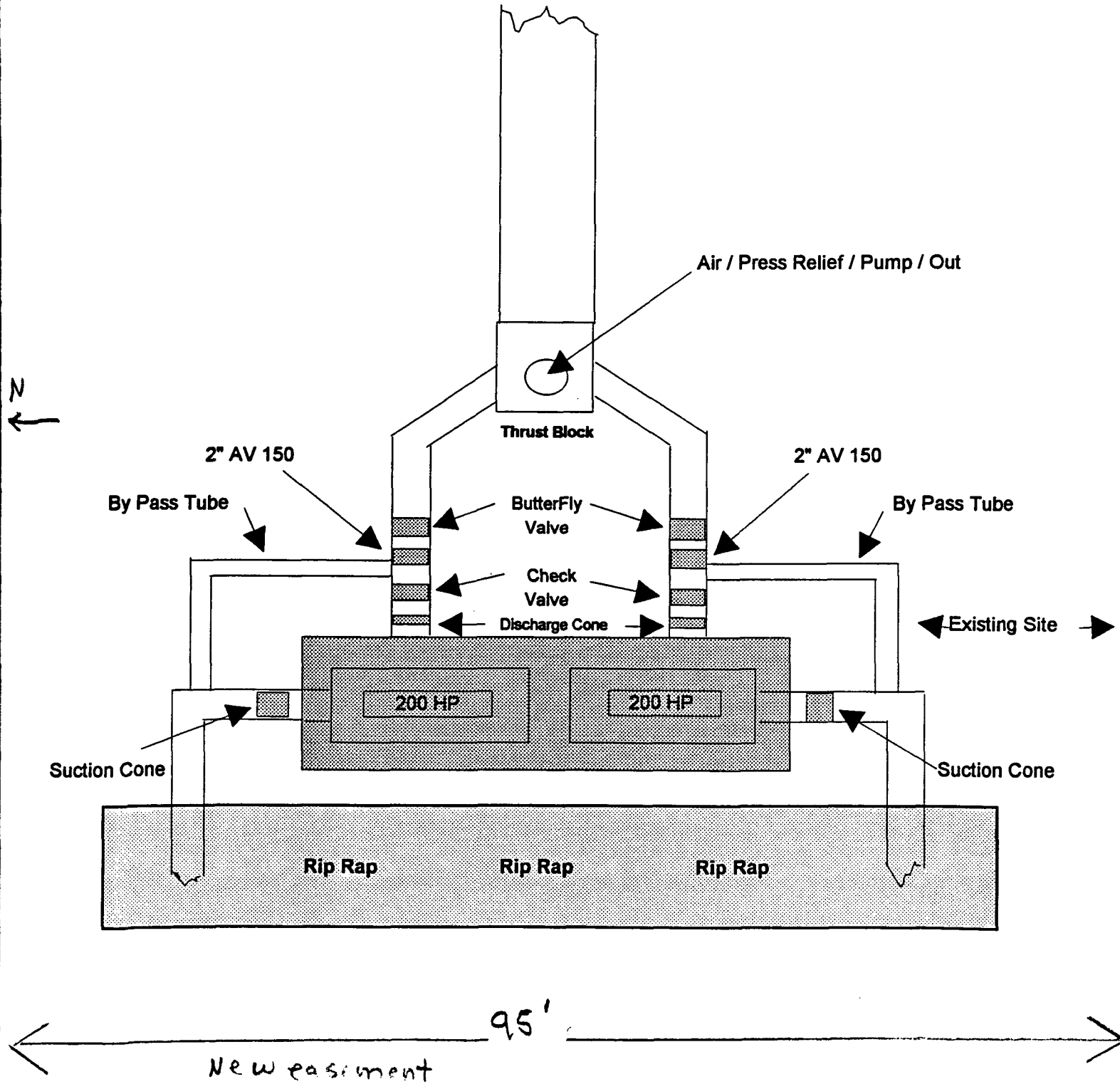
SIGNATURE OF AGENT

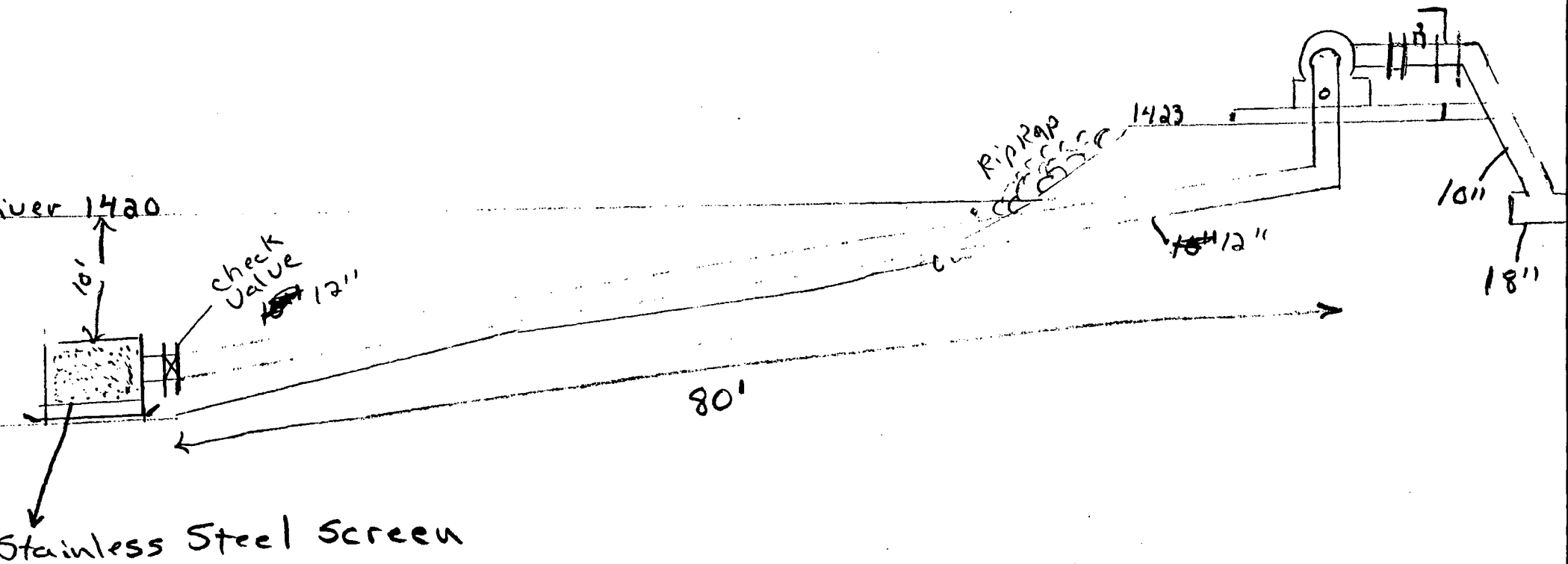
DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Pump Station

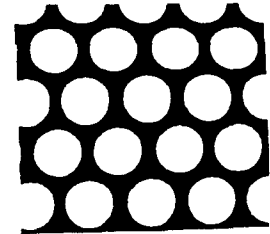
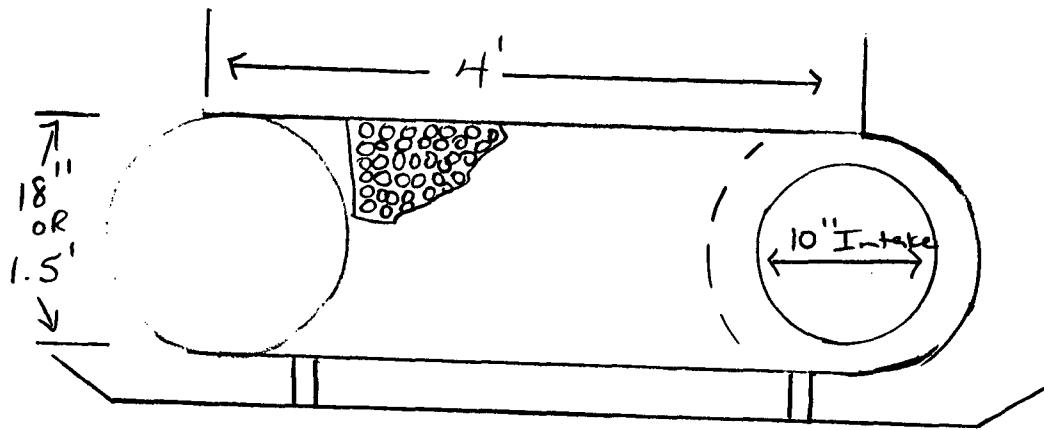




(2 - intakes, 1 for each 200 HP pump!)

Nachtigal
(Bisson Site)

2-25-02



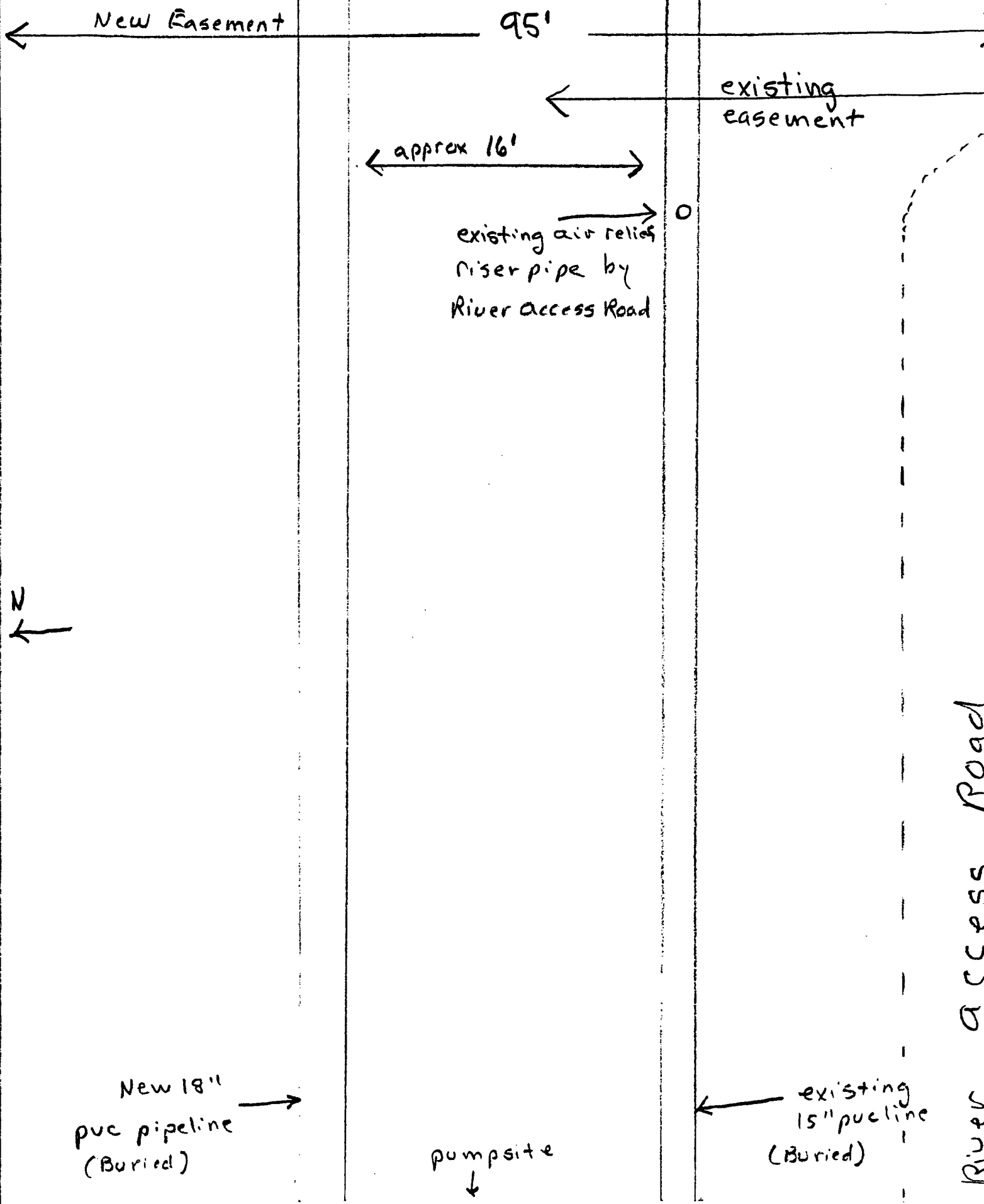
1/4" Dia. 5/16" Stg. Ctrg.
12 Holes PSI 58% O/A

$$1) 1900 \text{ GPM} \div 450 = 4.22 \text{ Cu. ft. Per Sec}$$

$$2) \begin{array}{rcl} 1 - \text{cylinder} & - & 18.84 \text{ sq. ft} \\ 1 - \text{End} & - & 2.25 \text{ sq. ft.} \\ \hline & & 21.09 \text{ sq. ft. Screen material} \end{array}$$

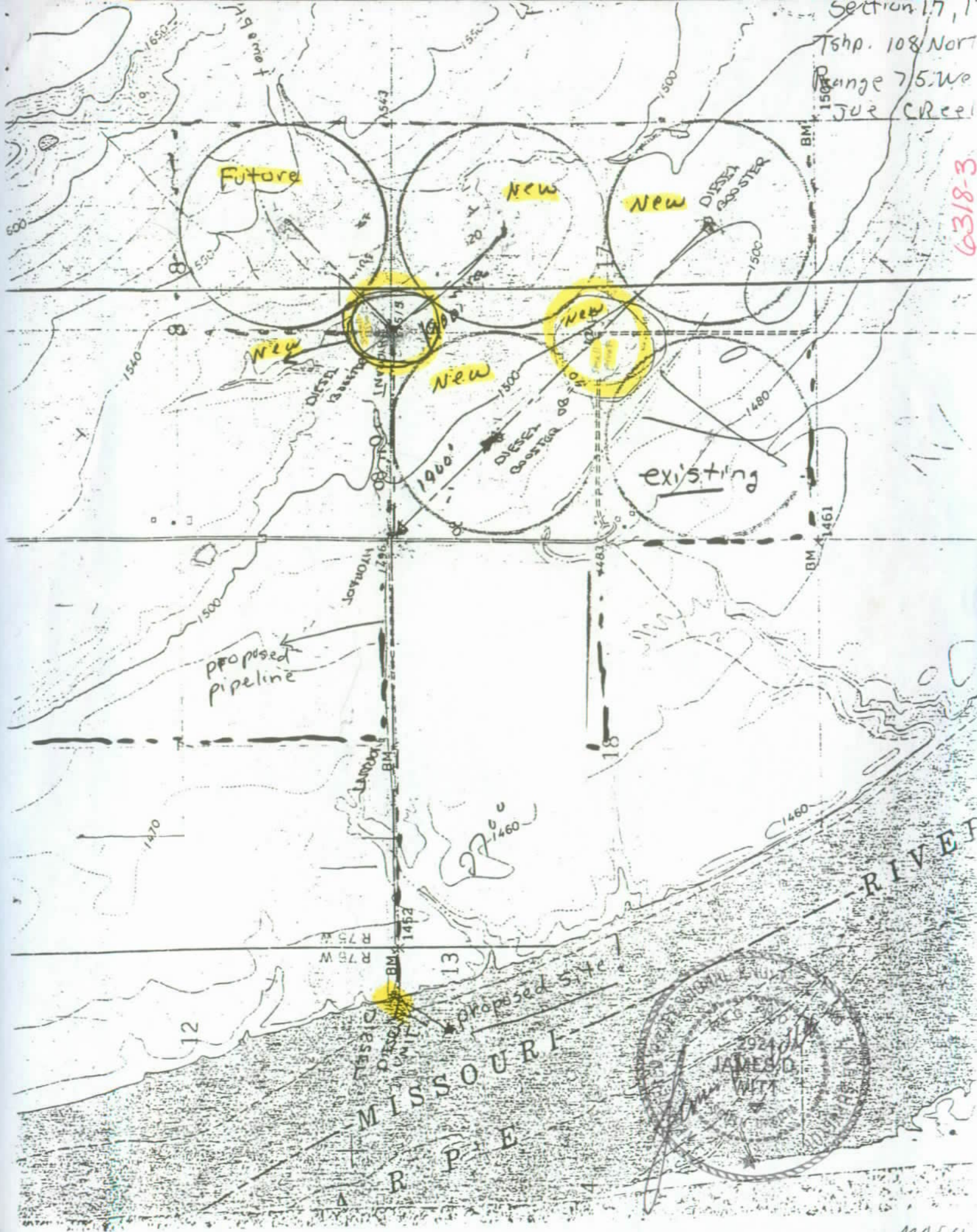
$$3) \frac{4.22 \text{ Cu. ft. Per Sec.}}{21.09 \text{ sq. ft.}} \quad V = .35 \text{ ft. Per Sec}$$

X 2 Screens



Section 17, 1
Tshp. 108 North
Range 75 West
Jue Creek

6318-3



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

417131

Pierre, _____, 20__

RECEIVED OF South Dakota Department of Environment and Natural Resources
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 _____

450 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. _____

25 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

500 00

By

Chief Engineer

Dorinda Eubank

gpc

Schlaak, Karen

From: McMath, Genny
Sent: Thursday, March 28, 2002 2:13 PM
To: Schlaak, Karen; Gronlund, Eric
Subject: Nachtigal Farms - Irrigation from the Missouri River

Steve w/Morris Inc in Ft Pierre is working on application forms for Nachtigal Farms. They are adding pump sites and additional diversion rates to a system they have in Section 12, T108N, R76W in Hughes County. The source of water is the Missouri River.

I received a call from George Spiehs with the Corps of Engineers here in Pierre and he would like to know when the application is filed and what the number is. He is currently writing up an easement for them and needs to verify that they have a permit in hand. I told him we would let him know when the application is filed and what permit number is assigned. I don't know if he wants to be cc: on everything that happens with it or if he just wants the number.

I faxed application forms to Morris's in Ft Pierre and they will be working with Gary Nachtigal on completing them.

When the application comes in.....George Spiehs phone # is 224-8618. There address out there is:

CORPS OF ENGINEERS
PIERRE REAL ESTATE OFFICE
PO BOX 670
PIERRE, SD 57501-0670

REPORT ON WATER PERMIT APPLICATION No. 6318-3

**Nachtigal Farms
Gary Nachtigal
Box 562
Platte, SD 57369**

Water Permit Application No. 6318-3, Gary Nachtigal, Nachtigal Farms, proposes to appropriate 8.466 cubic feet of water per second (3800 gpm) from the Missouri River in the SE¼ SE¼ of Section 12 T108N R76W to irrigate 660 acres in Sections 8 and 17 T108N R75W (Attachment 1). Water would be diverted through approximately 6000-feet of pipeline to as many as six (6) pivots in the two sections. The period of annual use would be from April 1 to September 30.

Project Review

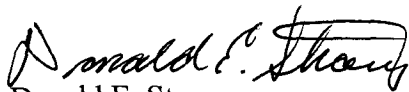
Nachtigal Farms is presently diverting 27.63 cubic feet per second (cfs) of water from the Missouri River for irrigation of 1855 acres in this area under License/Permit Nos. 1089A-3, 5008-3, and 5537-3. This application proposes to irrigate an additional 660 acres in the area by adding two pumps, each rated at 1900 gallons per minute (gpm), to supply water to six (6) center pivots (Attachment 1). Expansion easements for the proposed project have been coordinated with the U.S. Army Corps of Engineers.

Review of Water Source

The water source for the proposed project is the Missouri River. There is non-appropriated water available in the Missouri River and this withdrawal should have no adverse affects on senior water rights downstream of the project.

Conclusions

1. Water Permit Application No. 6318-3, Gary Nachtigal, Nachtigal Farms, proposes to appropriate 8.466 cubic feet of water per second (3800 gpm) from the Missouri River to irrigate 660 acres.
2. There is non-appropriated water in the Missouri River for Water Permit Application No. 6318-3. This withdrawal should have no adverse affects on senior water rights downstream of the project.
3. Approval of Water Permit Application No. 6318-3 is in the public interest and constitutes beneficial use of the water.



Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

Reviewed by:

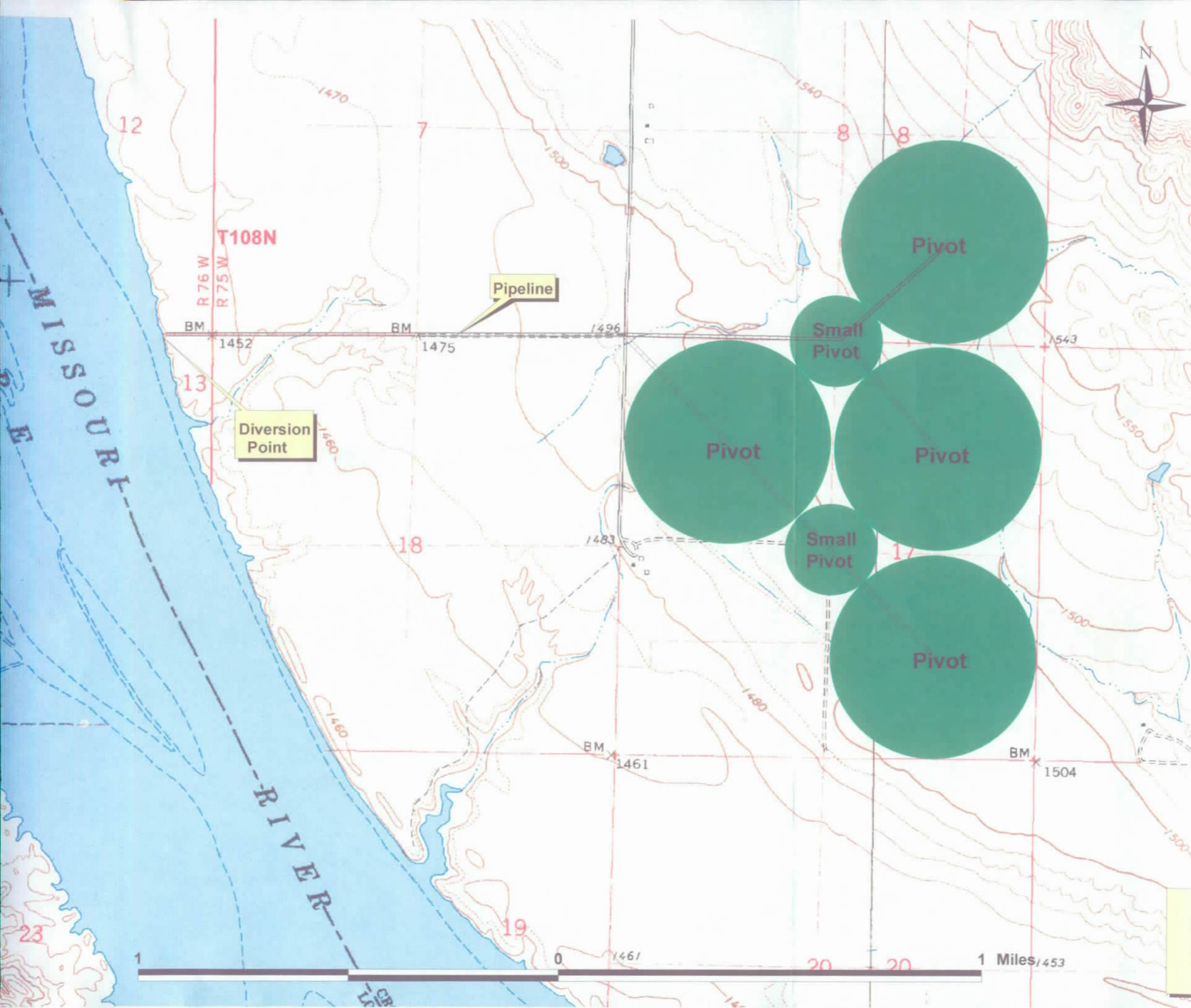
A handwritten signature in black ink, appearing to read 'Mark D. Rath', written in a cursive style.

Mark D. Rath
Natural Resources Engineering Specialist
DENR Water Rights Program

References

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

Nachtigal Farms
Gary Nachtigal
Box 562
Platte, SD 57369



Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program



**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. 6318-3, Nachtigal 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. 6318-3, Nachtigal Farms, c/o Gary Nachtigal, Box 562, Platte SD 57369-6013.

The Chief Engineer is recommending APPROVAL of Application No. 6318-3 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
May 23, 2002



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 24, 2002

Capital Journal
PO Box 878
Pierre, SD 57501-0878

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6318-3 to Appropriate Water to be published twice. Please publish the first notice on May 30, 2002 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 Nachtigal Farms, Gary Nachtigal, Box 562, Platte, SD 57369-6013 (Ph # 605-337-3619).

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. 6318-3

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

Date _____

We are in receipt of your letter of May 24, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6318-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



Capital Journal

RECEIVED

JUN 07 2002

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Hughes

Laura P. Waack of said county, being, first duly sworn, on oath, says: That he/she is the publisher or an employee of the publisher of the Capital Journal, a daily newspaper published in the City of Pierre in said County of Hughes and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated, that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within the said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal display advertisement headed Application No. 6318-3

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for two successive week(s) to wit:

<u>May 30</u>	<u>20 02</u>	<u>20</u>
<u>June 6</u>	<u>20 02</u>	<u>20</u>
<u> </u>	<u>20</u>	<u>20</u>
<u> </u>	<u>20</u>	<u>20</u>
<u> </u>	<u>20</u>	<u>20</u>

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; 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; that the fees charged for the publication thereof are: \$ 40.32.

Signed: Laura P. Waack

subscribed and sworn to before me this 6 day of June 20 02

Margaret Baker

Notary Public in and for the County of Hughes, South Dakota.

My Commission expires 2-19, 2003.

No. 4696 2 tdly 5/30, 6/6

NOTICE OF APPLICATION

NO. 6318-3 to

Appropriate Water

Notice is given that Nachtigal Farms, Gary Nachtigal, Box 562, Platte, SD 57369 has filed an application for a water permit to appropriate 8.44 cubic feet of per second of water from the Missouri River located in the SE 1/4 SE 1/4 Section 12-T108N-R76W to irrigate 660 acres located in the SE 1/4, SE 1/4 SW 1/4 Section 8, N 1/2, SE 1/4, NE 1/4 SW 1/4 Section 17; all in T108N-R75W.

Pursuant to SDCL 46-2A-2, the chief engineer recommends APPROVAL of Application No. 6318-3 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 June 17, 2002.

The petition may be informal, but must include a statement de-

scribing 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



**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.**

May 24, 2002

Nachtigal Farms
% Gary Nachtigal
Box 562
Platte, SD 57369

Dear Mr. Nachtigal:

Water Permit Application No. 6318-3 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 Capital Journal printed at Pierre, SD (Ph # 605-224-7301). 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.

Instruction to Newspaper - Publish first Notice on May 30, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6318-3 to Appropriate Water

Notice is given that Nachtigal Farms, Gary Nachtigal, Box 562, Platte SD 57369 has filed an application for a water permit to appropriate 8.44 cubic feet of per second of water from the Missouri River located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12-T108N-R76W to irrigate 660 acres located in the SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, N $\frac{1}{2}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17; all in T108N-R75W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6318-3 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 June 17, 2002.

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.



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and NATURAL RESOURCES**

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www.state.sd.us/denr

JUL 31 2002

Gary Nachtigal
Nachtigal Farms
PO Box 562
Platte SD 57369-6013

Dear Mr. Nachtigal:

Enclosed is Water Permit No. 6318-3 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

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NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date Aug. 8, '02

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

FROM: Nachtigal Farms
(name)
PO Box 562
(address)
Platte, SD 57369 (city, state, zip) (605) 337-3619 (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. 6318-3 states that the water use system is to be constructed by June 17, 2007, and water is to be put to beneficial use by June 17, 2011
(date) (date)

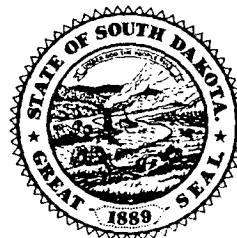
The water use system was completed on June 30, 2002
(date)

Applying the water to beneficial use was completed on June 30, 2002
(date)

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

Lay Nachtigal
(signature)

RECEIVED
AUG - 9 2002
WATER RIGHTS
PROGRAM



Permit No. 6318-3
Missouri River - Water District

Contact Person & Address: Gary Nachtigal PO Box 562, Platte SD 57369

Related Permits: 5537-3

Report Of Examination Of Works

On, Sept 13, 2006, I made a thorough examination of the water use system constructed by Nachtigal Farms, PO Box 562, Platte SD 57369 holder of Permit No. 6318-3, bearing the priority of April 1, 2002 authorizing the diversion of 8.44 cu. ft. per second of the waters of surface water , Missouri River for irrigation use purposes, in Hughes County.

The system is in the following condition good. The point of diversion is located SE ¼ SE ¼ of Section 12 T108N-R76W with a longitude of -99.90995 and a latitude of 44.165169 as determined using GPS. The works are capable of diverting and conveying to the place of use 8.46 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

Land located in Sec 8 T108N-R75W

<u>SE ¼ SW ¼ - 7 ac</u>	<u>NW ¼ SE ¼ - 33 ac</u>	<u>NE ¼ SE ¼ - 33 ac</u>
<u>SW ¼ SE ¼ - 39 ac</u>	<u>SE ¼ SE ¼ - 33 ac</u>	

Land located in Sec 17 T108N-R75W

<u>NW ¼ NW ¼ - 33 ac</u>	<u>NE ¼ NW ¼ - 39 ac</u>	<u>SW ¼ NW ¼ - 33 ac</u>
<u>SE ¼ NW ¼ - 39 ac</u>	<u>NW ¼ NE ¼ - 39 ac</u>	<u>NE ¼ NE ¼ - 33 ac</u>
<u>SW ¼ NE ¼ - 39 ac</u>	<u>SE ¼ NE ¼ - 33 ac</u>	<u>NW ¼ SE ¼ - 39 ac</u>
<u>NE ¼ SE ¼ - 33 ac</u>	<u>SW ¼ SE ¼ - 33 ac</u>	<u>SE ¼ SE ¼ - 33 ac</u>
<u>NW ¼ SW ¼ - 7 ac</u>		

comprising a total of 578 acres of land and the license should be issued for 8.26 cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes.
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

Diversion Point Information:

Pump 1:

- | | |
|-------------------------|------------------------------|
| 1) Make <u>Cornelle</u> | 2) Model <u>6HH-CC-200-4</u> |
| 3) Size <u>8</u> | 4) Capacity <u>1900</u> GPM |

Motor:

- | | |
|------------------------------------|--------------------------------|
| 1) Make <u>Baldor</u> | 2) Model No. <u>A15102R-55</u> |
| 3) Horsepower rating <u>200</u> hp | |

Pump 2:

- | | |
|-------------------------|------------------------------|
| 1) Make <u>Cornelle</u> | 2) Model <u>6HH-CC-200-4</u> |
| 3) Size <u>8</u> | 4) Capacity <u>1900</u> GPM |

Motor:

- | | |
|------------------------------------|--------------------------------|
| 1) Make <u>Baldor</u> | 2) Model No. <u>A15102R-55</u> |
| 3) Horsepower rating <u>200</u> hp | |

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC 2) Size 20 inches 3) Length 18000 feet

SYSTEM TYPE:

Center pivot 1:

- | | |
|------------------------------------|------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>7</u> | 4) End gun <u>yess</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>950</u> GPM |

Center pivot 2:

- | | |
|------------------------------------|------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>7</u> | 4) End gun <u>yess</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>950</u> GPM |

Center pivot 3:

- | | |
|------------------------------------|------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>7</u> | 4) End gun <u>yess</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>950</u> GPM |

Center pivot 4:

- | | |
|------------------------------------|------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>7</u> | 4) End gun <u>yess</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>950</u> GPM |

Center pivot 5:

- | | |
|-------------------------------------|-----------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>500</u> feet |
| 3) Number of towers <u>3</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>high</u> | 6) Capacity <u>200</u> GPM |

Center pivot 6:

- | | |
|-------------------------------------|-----------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>500</u> feet |
| 3) Number of towers <u>3</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>high</u> | 6) Capacity <u>200</u> GPM |

CHEMIGATION EQUIPMENT:

- | | |
|--|-------------------------------------|
| 1) Does chemigate <u>yes</u> | 2) Main line check valve <u>yes</u> |
| 3) Inspection port/air relief <u>yes</u> | 4) Low pressure drain <u>yes</u> |
| 5) Discharge is 20' from source <u>yes</u> | 6) Interlock type <u>electrical</u> |
| 7) Injection pump type <u>piston</u> | 8) Injection check valve <u>yes</u> |
| 9) Injection line check valve or positive displacement pump <u>yes</u> | |
| 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules <u>yes</u> | |
| 11) Comments : <u>none</u> | |



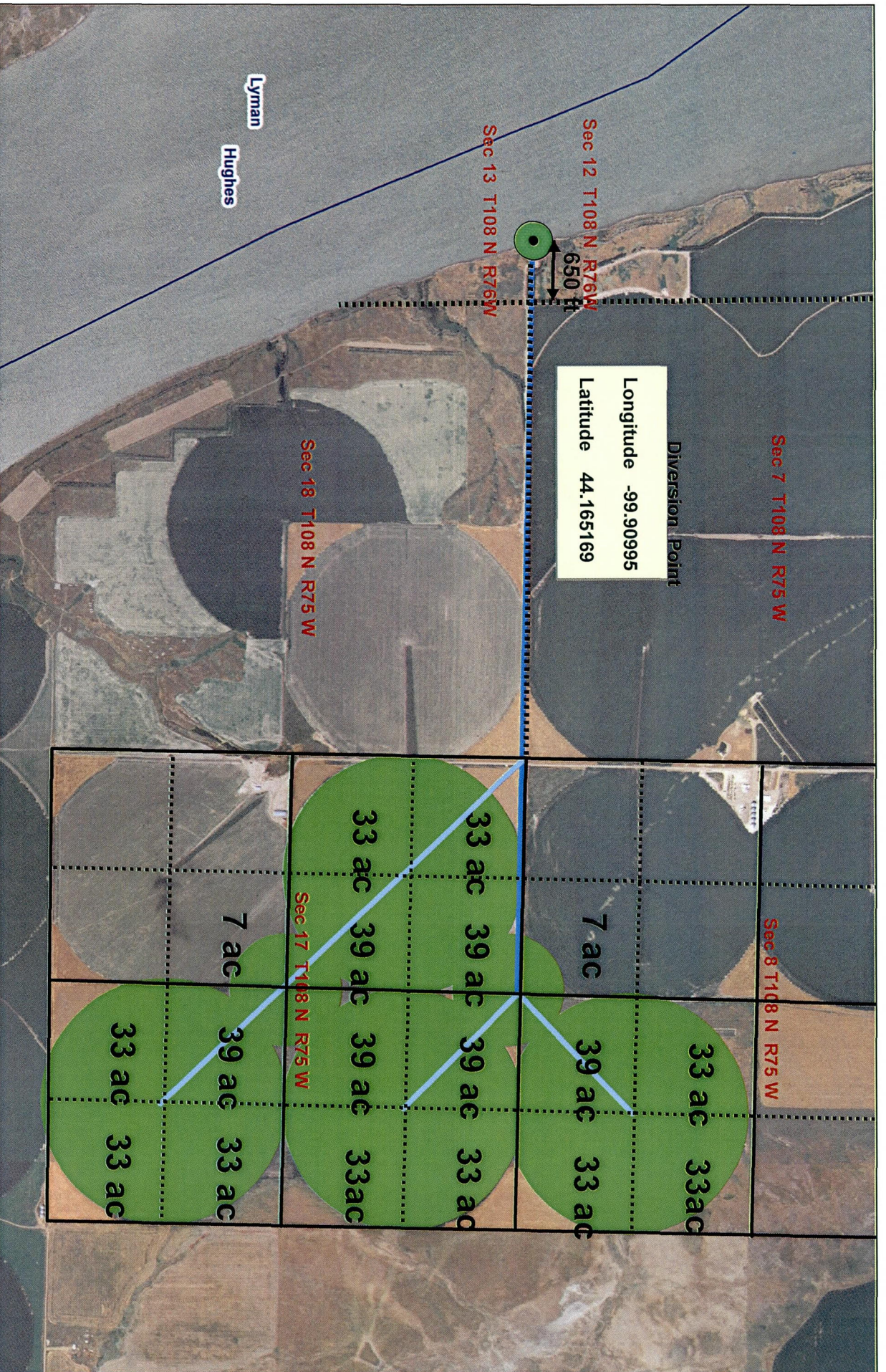
Mark D. Rath

Natural Resources Engineering Specialist
DENR, Water Rights Program

10-17-06

Date

No. 6318-3



Mark D Rath
9-18-06

Mark D Rath
Natural Resources Engineering Specialist





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 01 2008

6318-3

Gary Nachtigal
Nachtigal Farms
PO Box 562
Platte SD 57369

Dear Mr. Nachtigal:

Enclosed is your Water License No. 6318-3. Water License No. 6318-3 is the final document which completes the process of obtaining a water right. Also included is a map of the area prepared by the staff engineer who conducted the field investigation.

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. 6318-3

(1) Gary Nachtigal, Nachtigal Farms, PO Box 562, Platte SD 57369 made Application No. 6318-3, April 1, 2002 for a water permit to divert 8.44 cubic feet of water per second from the Missouri River, Hughes County, South Dakota for irrigation purposes. Permit No. 6318-3, with a priority date of April 1, 2002 was approved June 17, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 17, 2007 and for the application to beneficial use of water on or before June 17, 2011. The Permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on August 9, 2002. The "Notice" stated the water use system was completed and the water placed to beneficial use on June 30, 2002.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 8.26 cubic feet of water per second for beneficial use. The location of the diversion point is on the section line 650 feet West of the SE corner of Section 12, T108N, R76W (SE ¼ SE ¼).

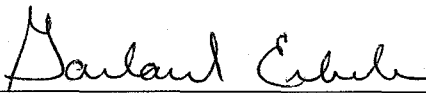
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 8, T108N, R75W		Section 17, T108N, R75W			
SE ¼ SW ¼	7 acres	NW ¼ NW ¼	33 acres	NW ¼ NE ¼	39 acres
		NE ¼ NW ¼	39 acres	NE ¼ NE ¼	33 acres
NW ¼ SE ¼	33 acres	SW ¼ NW ¼	33 acres	SW ¼ NE ¼	39 acres
NE ¼ SE ¼	33 acres	SE ¼ NW ¼	39 acres	SE ¼ NE ¼	33 acres
SW ¼ SE ¼	39 acres				
SE ¼ SE ¼	33 acres	NW ¼ SE ¼	39 acres	NE ¼ SW ¼	7 acres
		NE ¼ SE ¼	33 acres		
		SW ¼ SE ¼	33 acres		
		SE ¼ SE ¼	33 acres		
TOTAL IRRIGATED ACRES - 578					

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gary Nachtigal, Nachtigal Farms, PO Box 562, Platte SD 57369 the holder and/or owner of Water Right No. 6318-3 is issued a license to appropriate water, the right to use 8.26 cubic feet of water per second from the Missouri River with a priority date of April 1, 2002 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6318-3 and subject to the following qualification:

- This Water Right is subject to the irrigation water use questionnaire being submitted each year.


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

NOV 01 2006
date

