

WATER PERMIT NO. 6326-3

Name of Applicant: Hartman & Payl^h

Address: 27994 188 St, Pierre SD 57501

Phone: 605 264-5533

Amount of Water Claimed: no add'l

Total Acres: 264

Source of Water Supply: Missouri River

Water to be used for: irrigation

County: Sully

Type of Waste Disposal System:

Location: 22 miles west of Onida

PRIORITY

Date Received: 5-28-2002

Application/License Fee: \$350

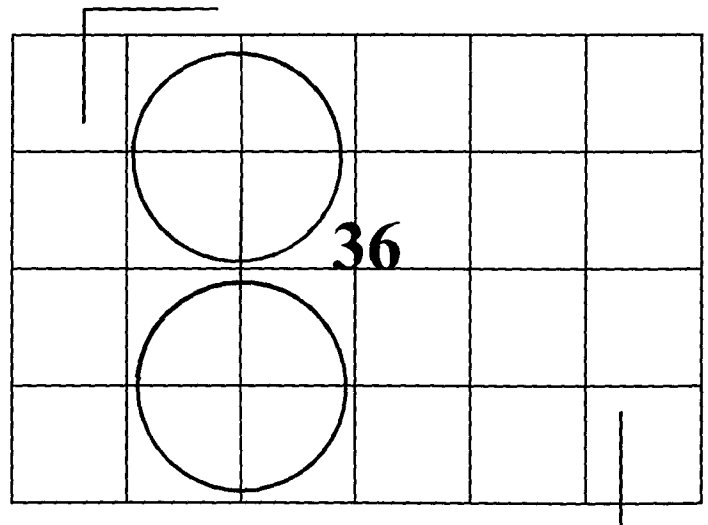
Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: add'l acres utilizing the diversion point authorized by Water Right No. 5761-3

Diversion Point: (Missouri River) SE ¼ SE ¼ Sec
21 and (storage dam) SW ¼ NE ¼ Sec 22;
all in T114N-R81W

Land to be Irrigated: W ½ Sec 36-T114N-R81W



Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 5-31-2002

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6326-3**

Date of first receipt of application May 31, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6326-3 to Hartman & Pahl, c/o Roger Shoup, 27994 188th St, Pierre SD 57501 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. 6326-3 authorizes irrigation of an additional 264 acres. Water Right No. 5761-3 authorizes 28.89 cubic feet of water per second from the Missouri River located in the SE ¼ SE ¼ Section 21-T114N-R81W to irrigate 1,997 acres and to fill a 19 acre-feet storage dam also utilized in the irrigation system. This permit authorizes irrigation of an additional 264 acres located in the W ½ Section 36-T114N-R81W. No increase in the Missouri River diversion rate is authorized by this permit.
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 – October 31.
3. The date from which applicant may claim right is May 31, 2002.
4. The date of approval of Permit No. 6326-3 is August 5, 2002.
5. One-fifth of the construction is to be completed on or before February 5, 2005.
6. All construction is to be completed on or before August 5, 2007.
7. Water is to be put to beneficial use on or before August 5, 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

SEP 17 2002

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6326-3</u> (office use only)
	Hydrologic Unit _____
	Basin <u>Missouri River</u>
	Newspaper <u>Onida Watchman, Onida</u>

RECEIVED
MAY 28 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.)
additional acreage to WR No 5761-3

- Name of Applicant Hartman & Paul % Roger Shoup Phone 264-5533
(check one) Owner Tenant/lessee
Mailing Address 27994 188 St Pierre SD State 57501
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed no add CFS or **GPM ***AF Total Acreage 264
(*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
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SE 1/4 SE 1/4 Sec 21 T114N R81W (Missouri River) Storage dam - SW 1/4 NE 1/4
Section 22 T114N R81W County Sully
- County or counties where water will be used Sully
- Annual period during which water is to be used April 1 to October 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 Section 36 T114N R81W	132		
SW 1/4 Section 36 T114N R81W	132		

8. Give a description of the project. (Attach sheet if more space is needed)
Adding the W 1/2 of Section 36 to the existing system authorized by
WR No. 5761-3

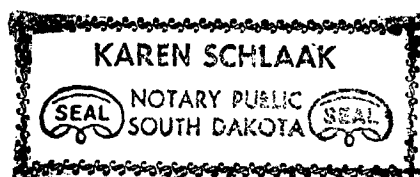
STATE OF SOUTH DAKOTA) SS
County of Hughes

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, Roger Shoup, 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 Roger Shoup

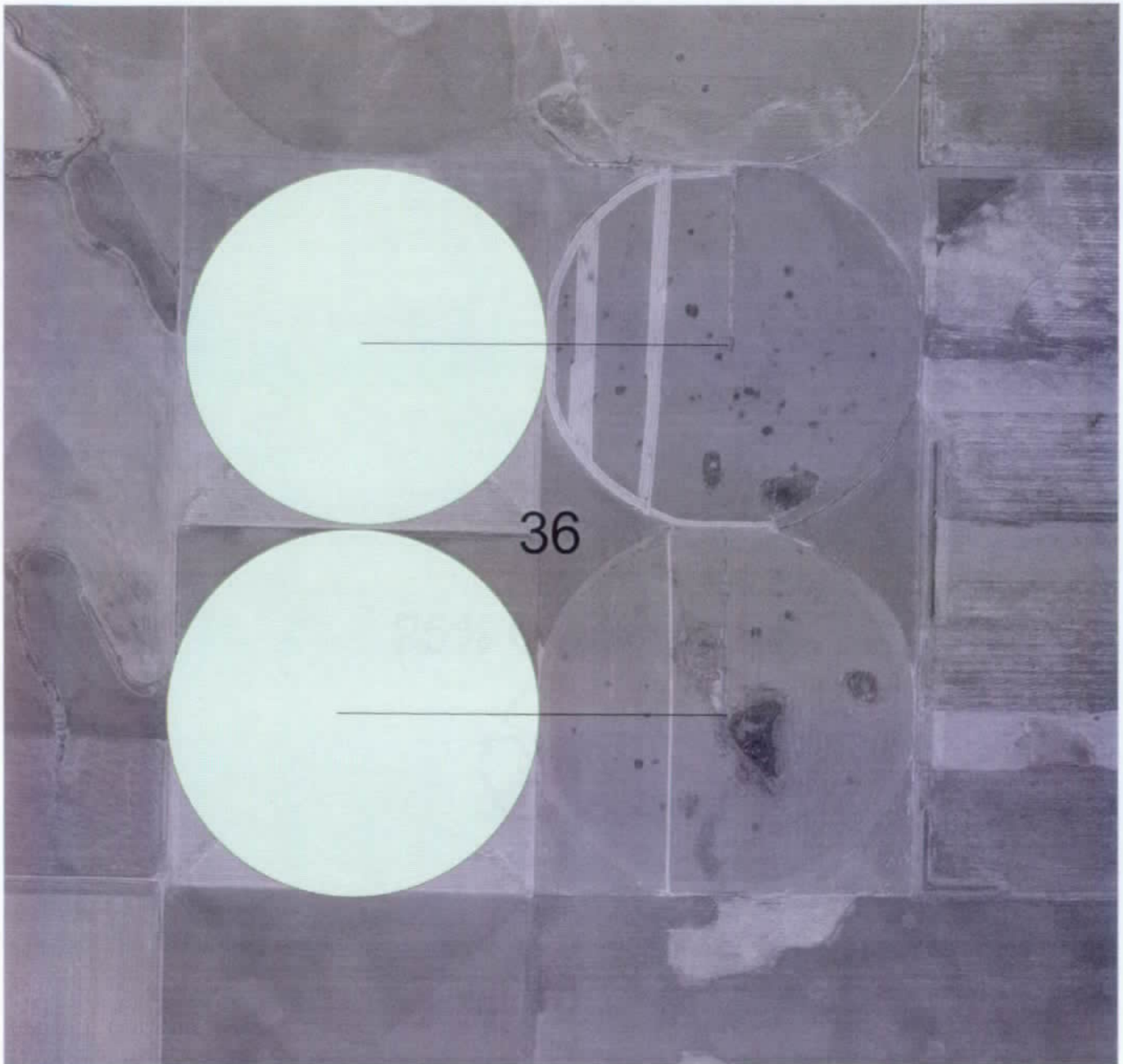
Subscribed and sworn to before me this 28th day of May 20 02



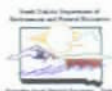
4-2000

Karen Schlaak
Notary Public signature

Water Permit Application for Hartman & Paul^h



Irrigation of an additional 264 acres located in the W 1/2 of Section 36, T114N, R81W. Will use the existing diversion works authorized under Water Right No. 5761-3. New pivot will be connected by pipelines from existing pivots in the E 1/2 Section 36.



Eric Gronlund
Eric Gronlund
Water Rights Program
May 28, 2002

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417178

Pierre, May 31, 2002

RECEIVED OF C.J.G. Inc., Gene Hartmar, PO Box 837, Huron, SD 57350
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6326-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	212	50
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>6326-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	262 50

By Darland Ebel
Chief Engineer *gme*

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417177

Pierre, May 31, 20 02

RECEIVED OF Elaine Hartman Hayes, PO Box 837, Huron, SD 57350
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6326-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	87	50
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	87 50

By J. [Signature] & [Signature]
Chief Engineer gms

REPORT ON WATER PERMIT APPLICATION NO. 6326-3

Hartman & Pahl

June 12, 2002

Application No. 6326-3 has been filed by Hartman & Pahl to irrigate an additional 264 acres to what is currently authorized by Water Right No. 5761-3. The diversion point is located at the Missouri River in the SE¼ SE¼ Section 21-T114N-R81W. Acres to be irrigated are located in the W½ of Section 36-T114N-R81W. The proposed project is located in Sully County 12 miles north and 6 miles west of the Oahe Dam.

No increase in the developed diversion rate is authorized if this application is approved.

REVIEW OF THE PROJECT AND EXISTING WATER RIGHTS

The applicant proposes to irrigate the additional 264 acres through the existing irrigation project. Water will be diverted from a Missouri River diversion point through pipelines and canals to two center pivots.

The diversion point located in the SE¼ SE¼ Section 21-T114N-R81W is authorized by Water Right No. 5761-3. This water right appropriates 28.89 cubic feet of water per second (cfs) to irrigate 1,997 acres and fill a 19 acre-feet storage dam. Water Permit 6163B-3 shares the same diversion point and storage dam and appropriates 3.66 cfs to irrigate 256 acres. Hartman & Pahl Farms own both of these water rights. There are no other water rights that divert from the Missouri River within two miles of this application.

Water Right Application No. 6326-3, if approved, should be incorporated with Water Right No 5761-3 and Water Permit No. 6163B-3 when licensed.

This application does not require an increase in the developed diversion rate. Therefore, adverse impacts to existing water rights would not be expected.

CONCLUSIONS

1. Water Permit Application No. 6326-3 proposes to irrigate an additional 264 acres to what is authorized by Water Right No. 5761-3.
2. Water Right Application No. 6326-3, if approved, should be incorporated with Water Right No 5761-3 and Water Permit No. 6163B-3 when licensed.
3. Water Right Application No. 6326-3 does not require an increase in the developed diversion rate. Therefore, adverse impacts to existing water rights would not be expected.

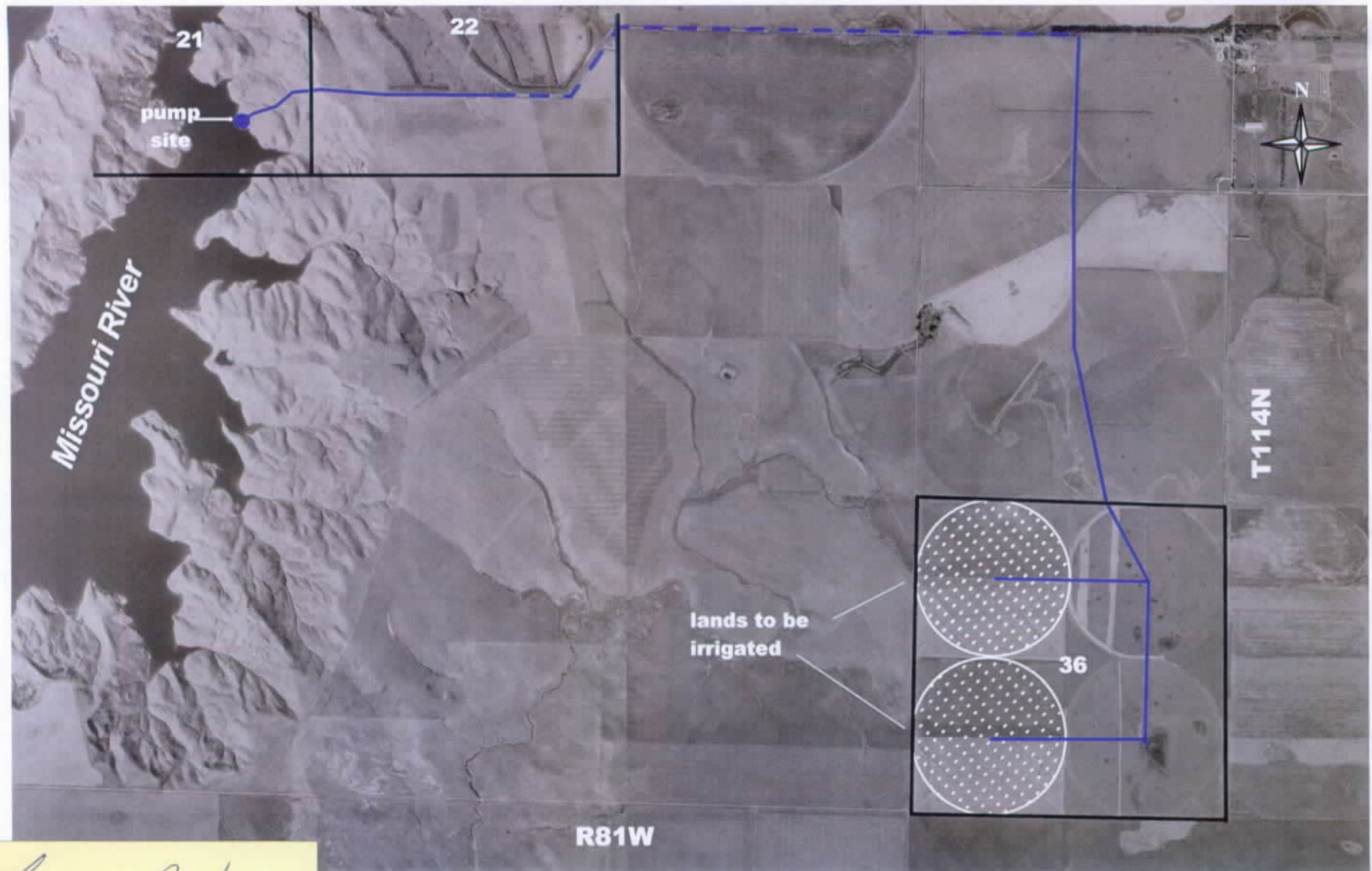


Lynn Beck

Natural Resources Engineer Specialist

WATER PERMIT APPLICATION NO. 6326-3

Hartman and Pahl

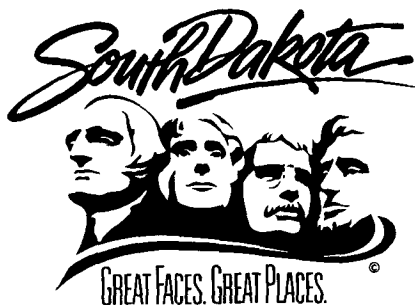


Lynn Beck

Lynn Beck
DENR, Water Rights Program
June 12, 2002

SCALE





**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. 6326-3, Hartman & Pahl**

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. 6326-3, Hartman & Pahl, c/o Roger Shoup, 27994 188th Street, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 6326-3 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
July 8, 2002

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
COUNTY OF SULLY)

Alice Olson of said County and State, being first duly sworn on her oath, says that THE ONIDA WATCHMAN is a weekly newspaper of general circulation, published in the English language in the City of Onida, in said County and State, by said Alice Olson, and has been admitted to the United States mail under the second class mailing privilege at all the times hereinafter mentioned, and that all of said times has had more than 200 bona fide paid subscribers; that I, the undersigned, am the publisher of said newspaper, in charge of the advertising department thereof and have personal knowledge of all the facts stated in the affidavit; and that the advertisement headed

Notice of Application No. 6326-3 to Appropriate Water

A printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication made THURSDAY, the 18th day of July, 2002, and the last publication on THURSDAY, the 25th day of July, 2002, and that \$36.23 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 arrangements or understanding for a revision thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whatsoever.

Alice Olson

Subscribed and sworn to me this

1st day of August, 2002

(SEAL)

My commission expires 4-24-2004

Marilyn Tilberg

Notary Public in and for Sully County, South Dakota

**NOTICE OF APPLICATION
NO. 6326-3 TO
APPROPRIATE WATER**

Notice is given that Hartman & Pahl, c/o Roger Shoup, 27994 188th St., Pierre, SD 57501, has filed an application for a water permit to irrigate an additional 264 acres. Water Right No. 5761-3 authorizes 28.89 cubic feet of water per second from the Missouri River located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21-T114N-R81W to irrigate 1,997 acres and to fill a 19 acre-feet storage dam also utilized in the irrigation system. This application proposes to irrigate an additional 264 acres located in the W $\frac{1}{2}$ section 36-T114N-R81W. No increase in the Missouri River diversion rate is authorized by this permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6326-3 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

RECEIVED

AUG - 9 2002

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

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

July 8, 2002

Hartman & Pahl
% Roger Shoup
27994 188 St.
Pierre, SD 57501

Dear Mr. Shoup:

Water Permit Application No. 6326-3 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 Onida Watchman printed at Onida, SD (Ph # 605-258-2604). 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

July 8, 2002

Onida Watchman
PO Box 245
Onida, SD 57564-0245

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6326-3 to Appropriate Water to be published twice. Please publish the first notice on July 18, 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 Hartman & Pahl, %Roger Shoup, 27994 188th St., Pierre, SD 57501 (Ph # 605-264-5533).

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. 6326-3

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

Date _____

We are in receipt of your letter of July 8, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. XX 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 July 18, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6326-3 to Appropriate Water

Notice is given that Hartman & Pahl, c/o Roger Shoup, 27994 188th St, Pierre SD 57501 has filed an application for a water permit to irrigate an additional 264 acres. Water Right No. 5761-3 authorizes 28.89 cubic feet of water per second from the Missouri River located in the SE ¼ SE ¼ Section 21-T114N-R81W to irrigate 1,997 acres and to fill a 19 acre-feet storage dam also utilized in the irrigation system. This application proposes to irrigate an additional 264 acres located in the W ½ Section 36-T114N-R81W. No increase in the Missouri River diversion rate is authorized by this permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6326-3 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 5, 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.



SEP 17 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Hartman & Pahl
%Roger Shoup
27994 188th St.
Pierre, SD 57501

Dear Mr. Shoup:

Enclosed is Water Permit No. 6326-3 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

6326-3
RECEIVED

NOV 24 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 11-19-08TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: HARTMAN & PAHL
Roger SHOUP

(name)

27994 185TH ST

(address)

Pierre SD 57501

(city, state, zip)

605-264-5533

(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. 6326-3 states that the water use system is to be constructed by5-25-08, and water is to be put to beneficial use by 6-1-08

(date)

(date)

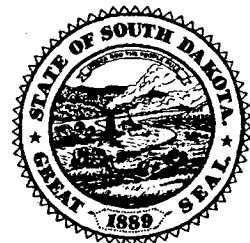
The water use system was completed on 5-25-08

(date)

Applying the water to beneficial use was completed on 6-1-08

(date)

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

Roger Shoup
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 2, 2008

6326-3
6914-3

Hartman & Paul
c/o Roger Shoup
27994 188th St
Pierre SD 57501

Dear Mr. Shoup:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms that you sent in to let us know that you have completed your irrigation systems.

The systems are 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 permits.

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,

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352
email: karen.schlaak@state.sd.us