

Name of Applicant: Oscar Wenholt

Address: HC 1 Box 11, Raymond SD 57258

Phone: 605 532-3479

Amount of Water Claimed: 2.14 cfs

Total Acres: 150 acres

Source of Water Supply: groundwater (one well) & wastewater lagoon

Water to be used for: irrigation

County: Clark

Type of Waste Disposal System:

Location: 12 miles northwest of Clark

PRIORITY

Date Received: 8-20-2002

Application/License Fee: \$300

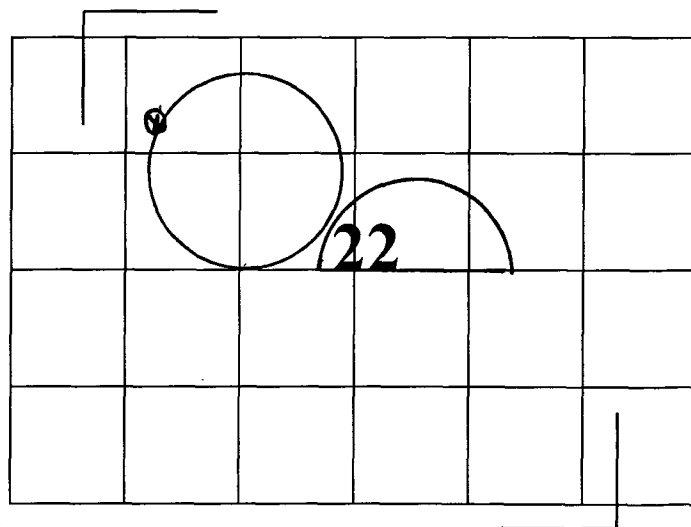
Corrected Application Received:

Period of Annual Use: April 1 – November 30

Remarks:

Diversion Point: NW ¼ NW ¼ Sec 22-T118N-R59W

Land to be Irrigated: NW ¼, S ½ NE ¼ Sec 22-T118N-R58W



Depth of Well: 100 feet

Well Driller: :

Remarks:

Type of Map: plat & aerial

Prepared by: John Childs, P.E.

Reviewed and the Number Assigned on: 8-20-02

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6356-3**

Date of first receipt of application August 20, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6365-3 to Oscar Wenholm, HC 1 Box 11, Raymond SD 57258 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. 6356-3 appropriates 2.14 cubic feet of water per second from one well (Altamont Aquifer) approximately 145 feet deep located in the NW ¼ NW ¼ Section 22 to irrigate 150 acres located in the NW ¼, S ½ NE ¼ Section 22; all in T118N-R59W. Water will be diverted from the well and mixed with wastewater from the animal confinement facility prior to being applied to the irrigated acreage.
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 – November 30.
3. The date from which applicant may claim right is August 20, 2002.
4. The date of approval of Permit No. 6356-3 is November 18, 2002.
5. One-fifth of the construction is to be completed on or before May 18, 2005.
6. All construction is to be completed on or before November 18, 2007.
7. Water is to be put to beneficial use on or before November 18, 2011.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6356-3 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. The well authorized by this Permit may be mixed with wastewater from an animal confinement facility prior to application to the irrigated acreage. If this occurs, the water delivery system must be designed with backflow protection to prevent wastewater from entering the well.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

DEC 02 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>6356-3</u> (office use only)	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>Clark County Courier,</u>	

RECEIVED
AUG 20 2002
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name of Applicant OSCAR WENHOLM Phone 605-532-3479
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address HC 1 BOX 11, RAYMOND State SD 57258
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 2.14 *CFS or **GPM ***AF Total Acreage 150 ACRES
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply WELL AND WASTE WATER
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Wastewater lagoon +
1 WELL IN NW 1/4 of NW 1/4 of 22-118-59
County CLARK
5. County or counties where water will be used CLARK
6. Annual period during which water is to be used APRIL - NOVEMBER 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
NE 1/4 of NW 1/4-22-118-59	28	SW 1/4 of NE 1/4-22-118-59	38
NW 1/4 of NW 1/4-22-118-59	16	SE 1/4 of NE 1/4-22-118-59	10
SE 1/4 of NW 1/4-22-118-59	10		
SW 1/4 of NW 1/4-22-118-59	18		

8. Give a description of the project. (Attach sheet if more space is needed)
APPLY WELL WATER AND WASTE WATER THROUGH FRIE LANE
CENTER PIVOT IRRIGATION

STATE OF SOUTH DAKOTA) SS
County of CLARK

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, OSCAR WENHOLM,

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 Oscar Wenholt

Subscribed and sworn to before me this 5 day of August 2002

Janice Hegman
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 30" Depth 100'
- b) Casing Type PVC Diameter 16" Thickness _____
- c) Screen Type STAINLESS Diameter 16" Thickness _____
- d) Gravel Pack PEABOCK Length of Gravel Pack 100'
- e) Depth to Top of Water Bearing Material 80'
- f) Depth to Water (ground surface to water level) 80'
- g) Distance to nearest existing domestic well:
- On applicants property 1 MILE On property owned by others 2 MILES

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) SLURRY STOPP
- b) System Capacity (gallons) 1,400,000 gal Year Constructed 1997
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

Persons involved in the design of this dam, please give their name

- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- i) Drainage Area Above Dam _____ Acres

John,
I don't have a copy of
the well driller's log for the
hog barn.

Huron Well Drilling
was the driller.

Cesar

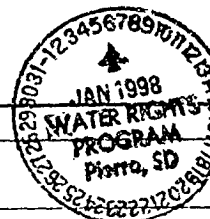
97-92

11-12-97

Address: Raymond, SD 57258

DEPTH

Date: 12-30-97



MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP

2001

118-59

T10634

Now by
WENHOLM

① 33.5 NW/NHEL

T10635

① 106.0 NW/NHEL

T61

① 152.7 NHEL

NC

4.9
7.9

③ 203.8 NW/NHEL

⑤ 7.0 NW/NHEL

HOP

20.4 ④ 33.0 NW/NHEL

T2223

① 30.5 W/NHEL
8.36

② 102.1 W/NHEL

③ 5.5 W/NHEL

4473-1340
B-6 NC
Hi
118-59

6356-3

TABLE OF LAND MEASUREMENTS

Square Measure

44 Sq. In. 1 Sq. Ft.
 1 Sq. Ft. 1 Sq. Yd.
 36 Sq. Yds. 1 Sq. Rod

16 Sq. Rods 1 Sq. Chain
1 Sq. Rod 272¼ Sq. Ft.

1 Sq. Chain4356 Sq. Ft.
10 Sq. Chain1 Acre
160 Sq. Rods1 Acres

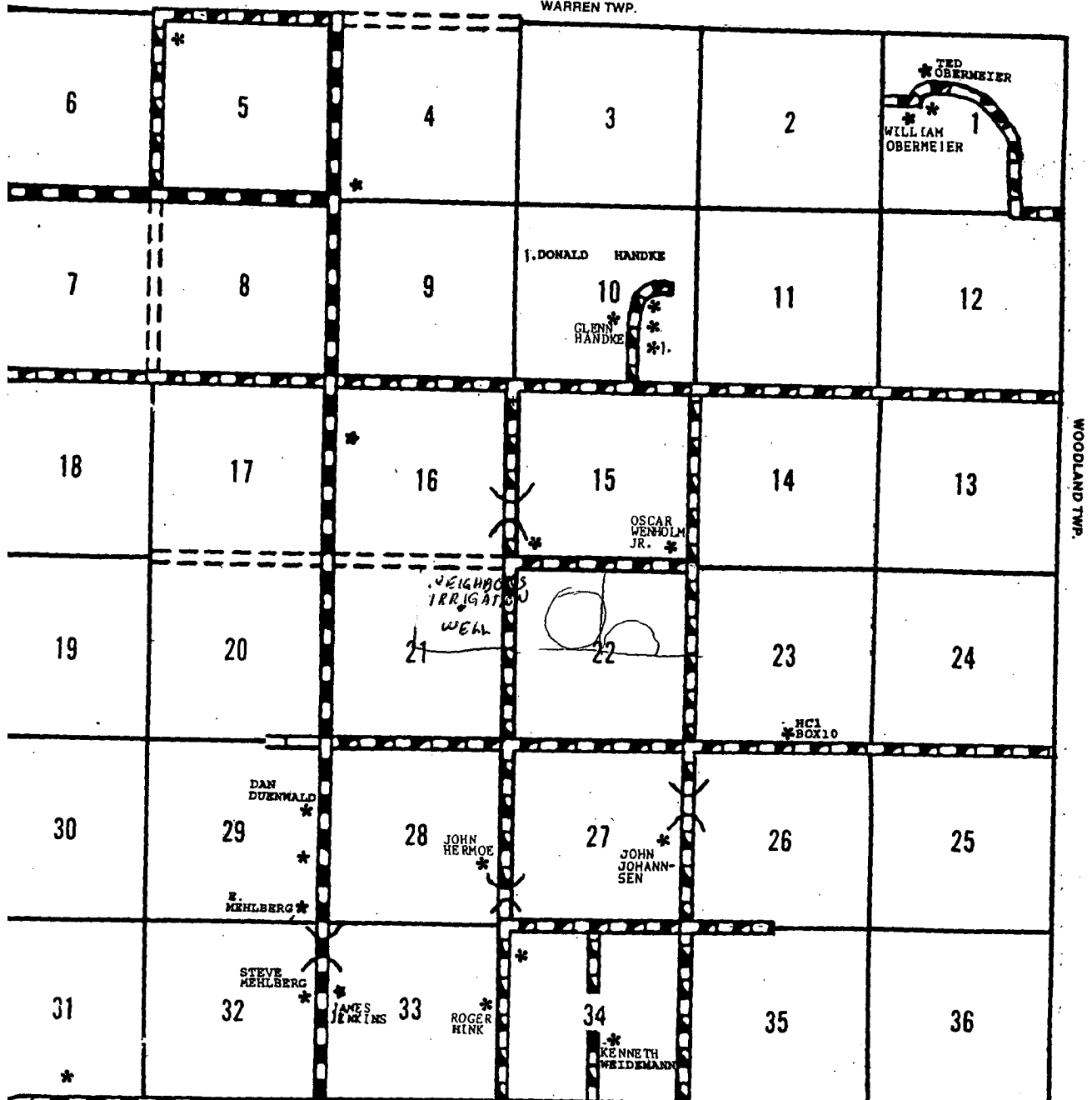
P-118-N

ASH DIRECTORY

(Residents - Owners or Renters)

R-59-W

WARREN TWP.

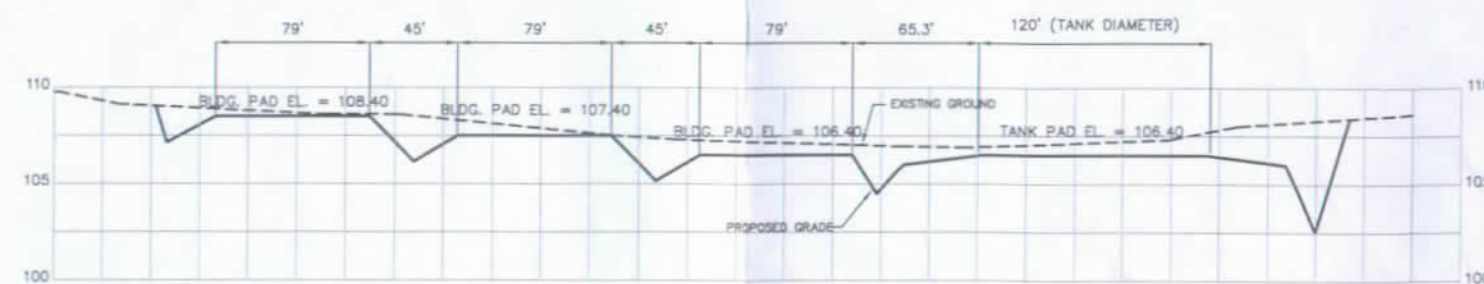
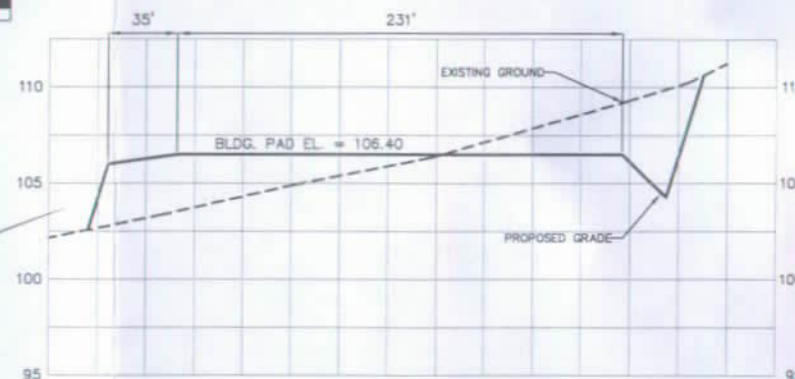
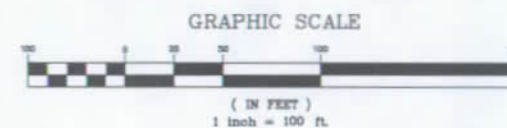


NW corner NW 1/4
202

TOPOGRAPHIC MAP OF OSCAR WENHOLM FINISHING FACILITY LYING IN THE NW 1/4 OF SECTION 22, TOWNSHIP 118 NORTH, RANGE 59 WEST OF THE 5TH P.M., CLARK COUNTY, SOUTH DAKOTA

COORDINATE TABLE			
DESCRIPTION	NORTHING	EASTING	ELEVATION
P1	5791.79	5315.35	108.40
P2	5791.79	5548.35	108.40
P3	5712.79	5548.35	108.40
P4	5712.79	5315.35	108.40
P5	5667.79	5315.35	107.40
P6	5667.79	5548.35	107.40
P7	5588.79	5548.35	107.40
P8	5588.79	5315.35	107.40
P9	5543.79	5315.35	106.40
P10	5543.79	5548.35	106.40
P11	5464.79	5548.35	106.40
P12	5464.79	5315.35	106.40
C1	5339.59	5345.35	105.73
C2	5339.59	5486.35	106.40
R1	5841.89	4963.35	101.24
R2	5791.79	5013.35	101.70
R3	5410.03	5415.37	105.90
R4	5439.59	5486.35	105.85
R5	5339.59	5586.35	105.77
R6	5239.59	5486.35	105.77
R7	5264.13	5377.99	105.90
R8	5276.62	5329.22	105.90
R9	5339.59	5280.35	105.40
R10	5464.79	5280.35	105.90
R11	5543.79	5280.35	105.90
R12	5588.79	5280.35	106.90
R13	5667.79	5280.35	106.90
R14	5712.79	5280.35	107.90
R15	5773.79	5230.35	106.86
R16	5773.79	5013.13	101.59
R17	5723.90	4963.13	100.55

EARTHWORK CALCULATION DATA	
METHOD USED: COMPOSITE	
CUT VOLUME	FILL VOLUME
8,045 C.Y.	6,188 C.Y.
	X 1.3 (SHRINK FACTOR)
	8,045 C.Y.
TONS OF 3/4" CRUSHED ROCK @ 3" DEPTH = 728 TONS	
SQUARE YARDS OF ROAD AREA = 3926 S.Y.	
*TONS OF CRUSHED ROCK IS BASED ON A COMPACTED DENSITY OF 140 LB/CF OVER THE ROAD SURFACE.	
100 TONS OF CRUSHED ROCK IS INCLUDED IN THIS AMOUNT FOR PLACEMENT AT THE DRIP LINE OF THE BUILDINGS	
VOLUME OF TOPSOIL @ 3" DEPTH OVER ENTIRE DISTURBED AREA = 1907 C.Y.	



LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- DISCHARGE PIPING
- PROPOSED DITCH
- SOIL BORING NUMBER
- STAKEOUT POINTS
- PROPOSED DRAINAGE FLOW
- SEWER CLEANOUT

OWNER:
OSCAR WENHOLM
RR
Raymond, SD
605-532-3479

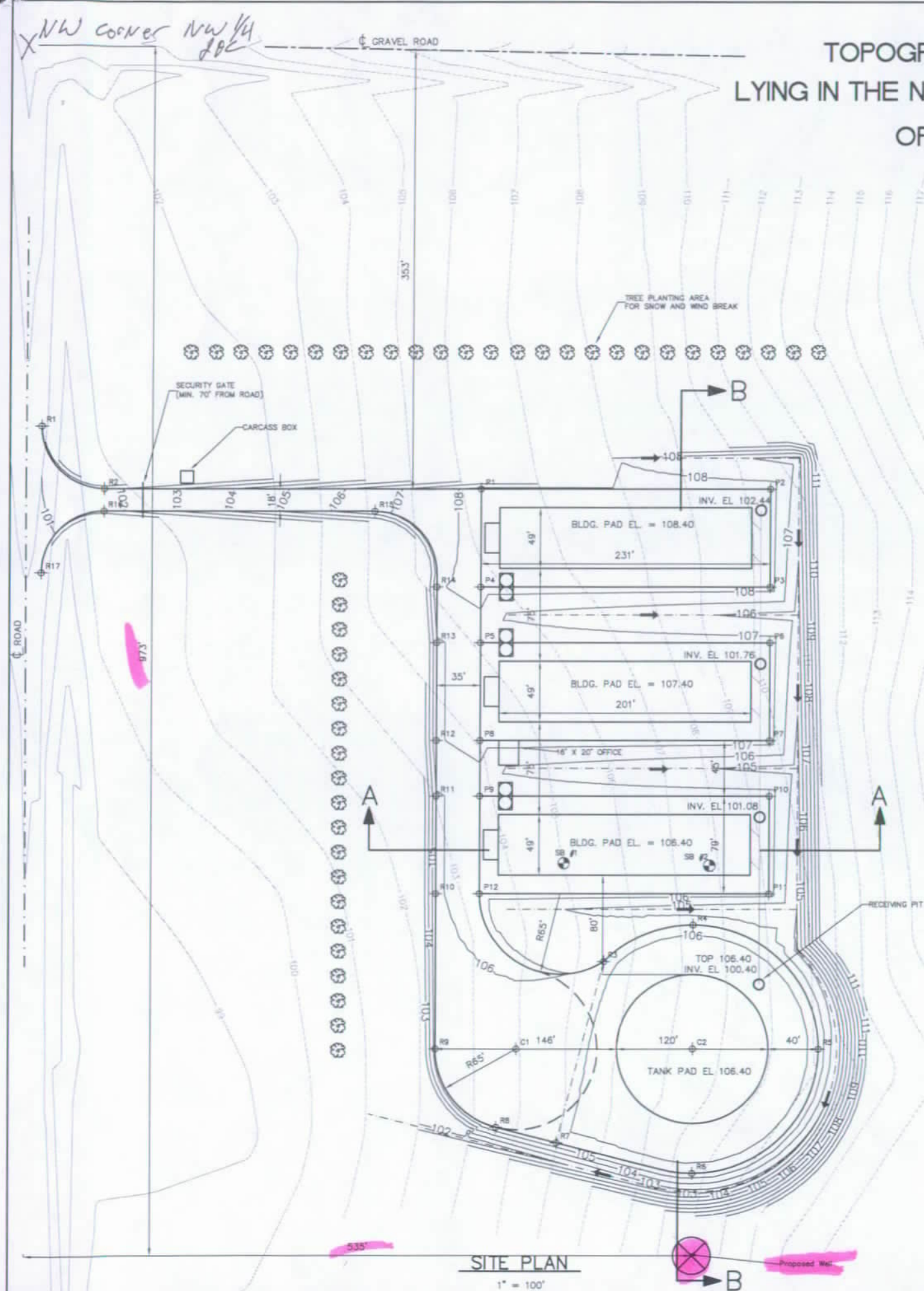
SECTION B-B
1" = 100' HORIZ
1" = 10' VERT
REVISED 8/25/97 BY BDP

Prepared By

6356-3
Eisner & Associates
Professional Engineers & Surveyors

215 Walnut
Yankton, South Dakota 57078

605-665-8092
FAX 605-665-0523
www.eaweb.com



RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date AUGUST 20, 2002

RECEIVED OF OSCAR WENHOLM JR, RR 1 Box 11, Raymond SD 57258

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

Fee for Application for Permit No. <u>6256-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6256-3</u>	50	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.

000251

By

Darland Ebel
Chief Engineer *gm*

Water Rights Program - File Documentation

NAME: John Childs, Eisenbraun & Associates

ADDRESS: Pierre

DATE: 8-20-02

COUNTY: HU

TELEPHONE: cell #660-1362

RE: Application for Oscar Wenholm

COMMENTS:

John Childs delivered the application for Oscar Wenholm. Mr. Childs stated the amount of water claimed should be the statutory limit of 2.14 cfs.

Also the application states the total acreage to be 150 acres. The breakdown of acreage in Item No. 7 totaled 190 acres. The acreage outlined on the aerial photo totals 150 acres. Mr. Childs stated he concurred with changing the application so the breakdown in acreage accurately reflects 150 acres or as follows:

All in Sec 22-T118N-R59W

NW ¼ NW ¼ 16 acres	SW ¼ NE ¼ 38 acres
NE ¼ NW ¼ 28 acres	SE ¼ NE ¼ 10 acres
SW ¼ NW ¼ 18 acres	
SE ¼ NW ¼ 40 acres	Total 150 acres

Mr. Childs stated he would contact Mr. Wenholm about the above changes. I told Mr. Childs if there was a problem Mr. Wenholm should contact us.

Karen Schlaak
Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION NO. 6356-3

For Oscar Wenholm

October 4, 2002

Application No. 6356-3 proposes to appropriate 2.14 cfs (960 gpm) from one well approximately 145 feet deep located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 22 to irrigate 150 acres located in the NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ of section 22; all in T118N R59W in Clark County. The well water will be mixed with wastewater prior to being applied to the irrigated acreage.

AQUIFER – ALTAMONT (A)

The Altamont aquifer is a buried outwash (sand and gravel) which is under confined conditions in this area. The aquifer underlies 630 square miles and contains an estimated 3.23 million acre-feet of water in storage in Clark County (Hamilton, 1986). The source of water for this application is probably the Altamont 2 as described by Hamilton. However, the Altamont 3 underlies this same area and is more than likely hydraulically connected to the Altamont 2 in the southern portion of T118N R59W.

The Water Rights Program monitors two observation wells in this immediate area. These are CK-76C located about one-mile northwest and CK-76D located about one mile south of this application, respectively. Water levels for these wells show good response to climatic conditions and to pumping. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2002). Hydrographs for these two observation wells area included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

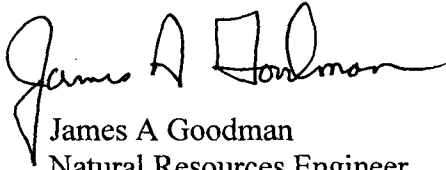
There is an existing water right No. 4643-3 (for irrigation of 132 acres and diverting 1.93 cfs) located in the next quarter section to the west (NW $\frac{1}{4}$ of section 21) of this application. The proposed well for this application will be located about 1900 feet east of the existing irrigation well. Interference will occur; however, this is not expected to be adverse. The observation wells in the area do fluctuate because of pumping but not significantly. This is shown by the hydrographs.

CONCLUSIONS

1. Water is available from the Altamont aquifer.
2. The aquifer is confined and under artesian conditions. Drawdown will occur as a result of pumping. This is not expected to be adverse. Interference should not be a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The applicant is not yet sure how this system will be constructed. The well will not be discharged into the wastewater holding tank but will be mixed in line on the way

to the pivot(s). If this is the case, the water delivery system must be designed to prevent wastewater from entering the well.

5. There is an existing domestic well on site for use at the facility. The irrigation well may be close enough to cause interference. Since, the applicant controls both wells this should not be a problem. It may be necessary to lower the pump on the existing domestic well to maintain the amount of water needed.



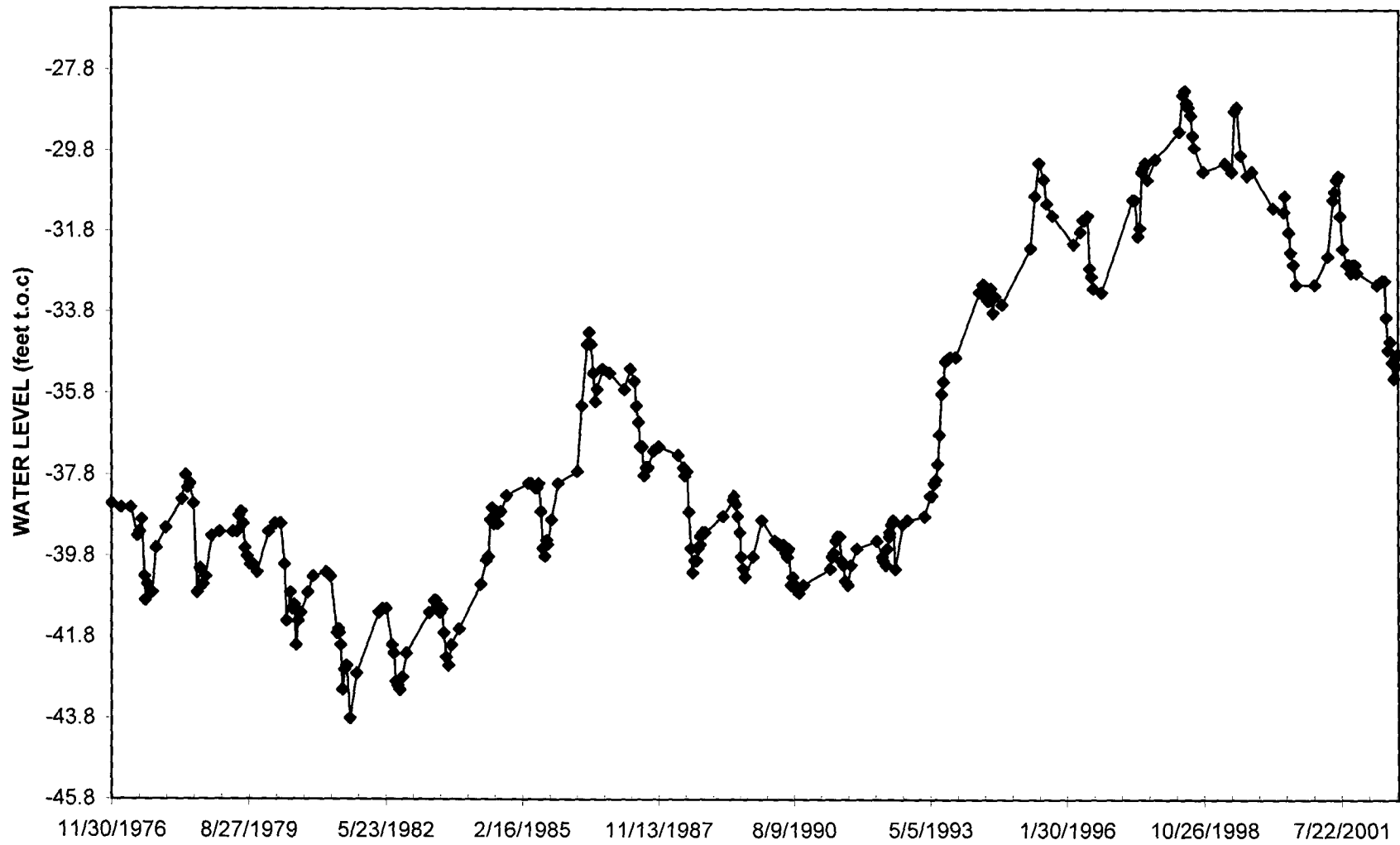
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

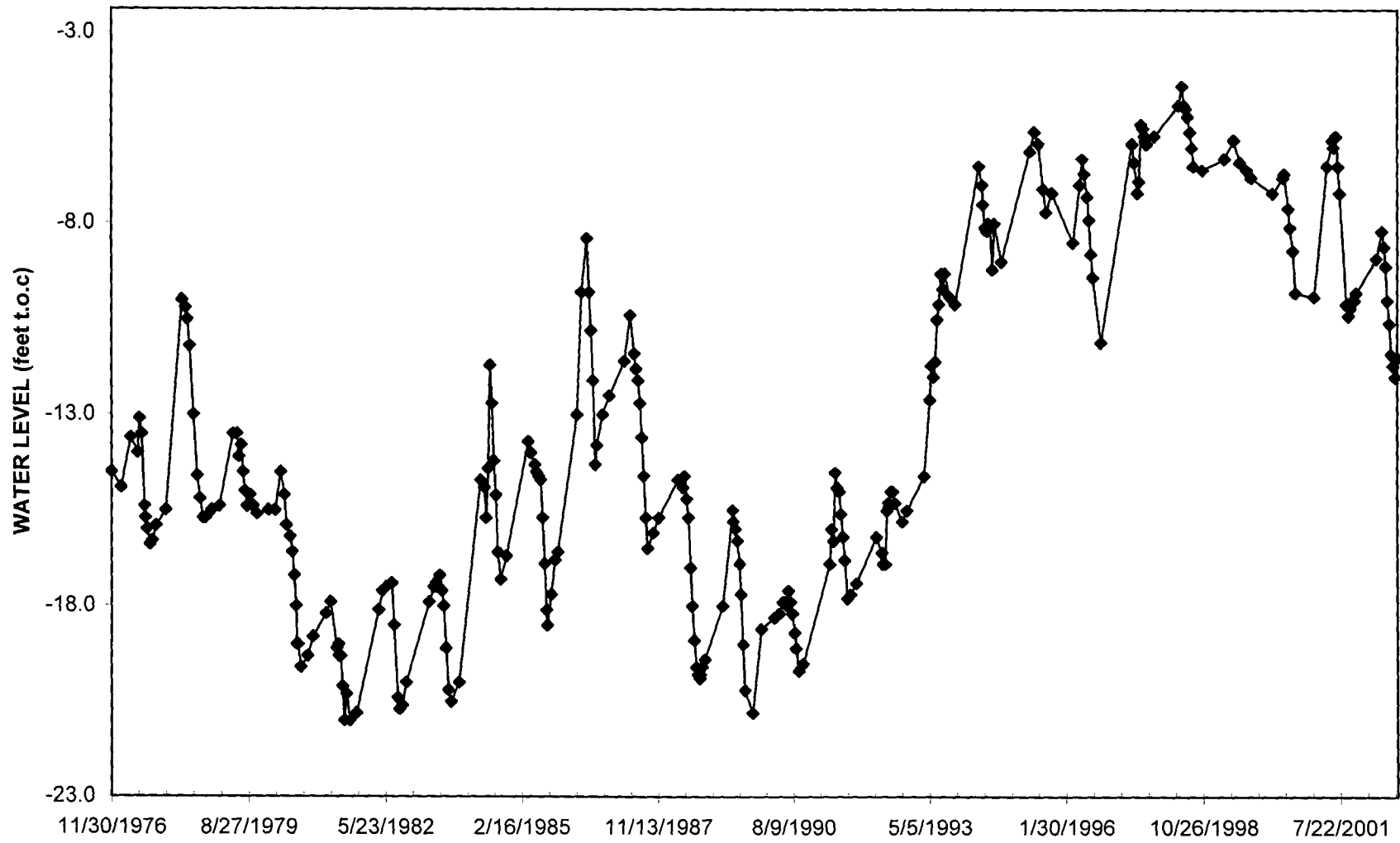
Hamilton, L.J., 1986, Geology and Water Resources of Clark County, South Dakota, Bulletin 29, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2002, Unpublished Observation Well Data for Clark County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
CK-76D



WATER RIGHTS' OBSERVATION WELL
CK-76C





**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. 6356-3, Oscar Wenhelm**

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. 6356-3, Oscar Wenhelm, HC 1 Box 11, Raymond SD 57258.

The Chief Engineer is recommending APPROVAL of Application No. 6356-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6356-3 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. The well authorized by this Permit may be mixed with wastewater from an animal confinement facility prior to application to the irrigated acreage. If this occurs, the water delivery system must be designed with backflow protection to prevent wastewater from entering the well.
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
October 23, 2002

Gronlund, Eric

From: Woodmansey, Kent
Sent: Monday, October 21, 2002 9:38 AM
To: Gronlund, Eric
Cc: Votava, Jeanie
Subject: RE: Oscar Wenholm

Mr. Wenholm has a permitted Murphy system. Spray irrigation is allowed.

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

From: Gronlund, Eric
Sent: Monday, October 21, 2002 9:33 AM
To: Woodmansey, Kent
Subject: Oscar Wenholm

Kent - I had e-mailed you about this previously . Mr. Wenholm has an existing animal facility that operates under 18 gpm domestic use amount.

Mr. Wenholm has applied for an irrigation permit. It is his intent to somehow mix the well water in-line with the waste water and run through a pivot. We are requiring backflow protection. Just wanted to let you know in case this type of system would involve your program. Generally, irrigators who do this pump well water into the lagoon and from there pump to apply to the land. So, Mr. Wenholm has a little different twist.

I had thought that regulations were moving toward requiring injection instead of stray application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 23, 2002

Clark County Courier
119 1st Ave E
Clark SD 57225

ATTENTION: Legal Public Notice

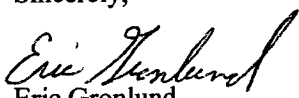
Enclosed is a Notice of Hearing on Application No. 6356-3 to Appropriate Water to be published twice. Please publish the first notice on October 30, 2002 with the second publication 7 days later.

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 Oscar Wehnlm, HC 1 Box 11, Raymond, SD 57258 (Ph # 605-532-3479).

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. 6356-3

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

Date _____

We are in receipt of your letter of October 23, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6356-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 23, 2002

Oscar Wenholm
HC 1 Box 11
Raymond SD 57258

Dear Mr. Wenholm:

Water Permit Application No. 6356-3 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 Clark County Courier printed at Clark, SD (Ph # 605-532-3654). 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 October 30, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6356-3 to Appropriate Water

Notice is given that Oscar Wenholtz, HC 1 Box 11, Raymond SD 57258 has filed an application for a water permit to appropriate 2.14 cubic feet of water per second from one well (Altamont Aquifer) approximately 145 feet deep located in the NW ¼ NW ¼ Section 22 to irrigate 150 acres located in the NW ¼, S ½ NE ¼ Section 22; all in T118N-R59W. Water will be diverted from the well and mixed with wastewater from the animal confinement facility prior to being applied to the irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6356-3 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 November 18, 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.

15 November, 2002

Chief Engineer:

Enclosed please find the Affidavit of Publication in regard to my irrigation application. Also, the actual well location is now being planned in the center of the NW $\frac{1}{4}$ of Section 22-118-59 (same quarter but more to the middle). This places it farther from all other wells and farther from the swine buildings. I have received no petitions regarding the application.

Sincerely

Oscar Wenkelm Jr.

RECEIVED
NOV 18 2002
WATER RIGHTS
PROGRAM

**NOTICE OF APPLICATION NO.
6356-3 to Appropriate Water**

Notice is given that Oscar Wenholm, HC 1 Box 11, Raymond, SD 57258, has filed an application for a water permit to appropriate 2.14 cubic feet of water per second from one well (Altamont Aquifer) approximately 145 feet deep located in the NW1/4NW1/4 Section 22 to irrigate 150 acres located in the NW1/4, S1/2NE1/4 Section 22; all in T118N-R59W. Water will be diverted from the well and mixed with wastewater from the animal confinement facility prior to being applied to the irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6356-3 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.

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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
Dept. of Environment &
Natural Resources

10-30-2t

Affidavit of Publication

State of South Dakota

§

County of Clark

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of a least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Water appropriations

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

(two)

successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

October 30, 2002

November 6, 2002

that the full amount of the fees for the publication of the annexed notice is

\$40.00

William J. Krikac

Subscribed and sworn to before me this

7th day of November, 2002

Kimberly L. Seefeldt
Notary Public
Clark County, South Dakota

My commission expires: 10-02-07

RECEIVED

NOV 18 2002

**WATER RIGHTS
PROGRAM**

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

Date 12 MAY 2003

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

RECEIVED

MAY 13 2003

WATER RIGHTS
PROGRAM

FROM: OSCAR WENHOLM
(name)

HC1 BOX 11
(address)

RAYMOND, SD 57258
(city, state, zip)

(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.

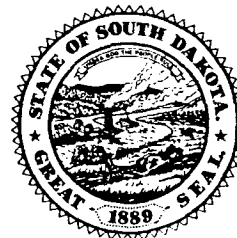
Water Permit No. 6365-3 states that the water use system is to be constructed by
NOV 18, 2007 (date), and water is to be put to beneficial use by NOV 18, 2011 (date)

The water use system was completed on 5 MAY 2003
(date)

Applying the water to beneficial use was completed on 6 MAY 2003
(date)

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

Oscar Wenholtz
(signature)





DEC 02 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Oscar Wenholm
HC 1 Box 11
Raymond SD 57258

Dear Mr. Wenholm:

Enclosed is Water Permit No. 6356-3 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

Permit No. 6356-3
James River - Water District

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

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

I have this day, July 12, 2006, made a thorough examination of the water use system constructed by Oscar Wenholm of 16297 416th Ave., Raymond, SD 57258 holder of Permit No. 6356-3, bearing the priority of August 20, 2002 authorizing the diversion of 2.14 cu. ft. per second of the waters of the Altamont Aquifer for Irrigation purposes, in Clark County.

Inspection contact & relationship **Oscar Wenholm (532-3479)**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Huron Drilling
- 2) No. of Wells 1
- 3) Depth(s) 145 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 5 inches
- 2) Length 105 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 40 feet
- 3) Static water level 30 feet

Pump:

- 1) Make Berkley submersible
- 2) Model 8T40
- 3) Capacity 500 GPM

Motor:

- 1) Make Franklin
- 2) Horsepower rating 40 hp

B. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1098 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) High or low pressure Low
- 6) Capacity 500 GPM

Chemigation Equipment:

- 1) Does chemigate N

C. Compliance with Permit Requirements:

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

The system is in Good condition with the point(s) of diversion located as follows: Approximately 1520 feet south and 1520 feet east of the NW corner of Section 22-T118N-R59W (N 45.01832, W -97.91636). The works are capable of diverting and conveying to the place of use 1.11 cu. ft. per second of water which is to be used for Irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 22-T118N-R59W

NW ¼ NW ¼ - 12 acres

NE ¼ NW ¼ - 22 acres

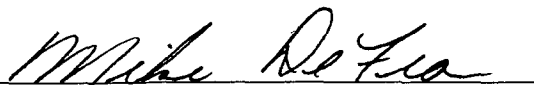
SW ¼ NW ¼ - 22 acres

SE ¼ NW ¼ - 34 acres

comprising a total of 90 acres of land and the license should be issued for 1.11 cfs.

All structures, wells and lands on map Y

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



Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: June 15, 2007

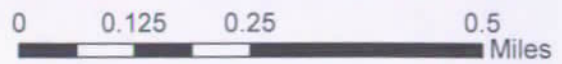
Oscar Wenholm
16297 416th Avenue
Raymond, SD 57258

Water Permit No. 6356-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
June 15, 2007



Approval of Location Change and/or Additional Diversion Point(s)

NAME: Oscar Wenholtz

ADDRESS: 16297 416th Ave, Raymond, SD57258

DATE: June 15, 2007

COUNTY: Clark

TELEPHONE: 532-3479

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source is the Altamont aquifer same as permitted with no additional water appropriated. The permit originally indicated the location of the diversion point to be in the NW ¼ NW ¼ Section 22-T118N-R59W. At the time of the inspection, the actual location of the well was in the SE ¼ NW ¼ Section 22-T118N-R59W.

- **If irrigation, no new land is irrigated**

No new land is being irrigated other than what was originally permitted

- **Review of Existing Diversions**

There is a water right authorized to divert water from the Altamont aquifer in this area. Water Right No. 4643-3 is located approximately one mile NW and is authorized to divert 1.88-cfs for irrigation of 132-acres. According to the application report dated October 4, 2002, interference will occur; however, this is not expected to be adverse. The observation wells in this area do fluctuate because of pumping but not significantly. The potential for interference with other existing diversions is not increased.

RECOMMENDED ACTION

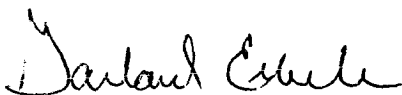
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mike DeFea,
Natural Resources Project Engineer
DENR, Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 30 2007

6356-3

Oscar Wenholm
15297 416th Ave
Raymond SD 57258

Dear Mr. Wenholm:

Enclosed is Water License No. 6356-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6356-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6356-3**

(1) Oscar Wenholm, 15297 416th Ave, Raymond SD 57258 made Application No. 6356-3, August 20, 2002 for a water permit to divert 2.14 cubic feet of water per second from groundwater (one well), Clark County, South Dakota for irrigation purposes. Permit No. 6356-3, with a priority date of August 20, 2002 was approved November 18, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 18, 2007 and for the application to beneficial use of water on or before November 18, 2011.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on May 13, 2003. The *Notice* stated the diversion system was completed on May 5, 2003 and the water placed to beneficial use on May 6, 2003.

An investigation conducted for licensing purposes found the well under Water Permit No. 6356-3 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

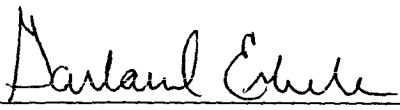
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6356-3 is issued a license, bearing a priority date of August 20, 2002 to appropriate 1.11 cubic feet of water per second from groundwater (one well) to irrigate 90 acres.

The diversion point is located: approximately 1,520 feet south and 1,520 feet east of the northwest corner of Section 22-T118N-R59W (SE ¼ NW ¼). The acres authorized for irrigation are as follows:

Section 22-T118N-R59W	NW ¼ NW ¼	12 acres
	NE ¼ NW ¼	22 acres
	SW ¼ NW ¼	22 acres
	SE ¼ NW ¼	34 acres
Total 90 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6356-3 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6356-3 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.
- The well authorized by this Permit may be mixed with wastewater from an animal confinement facility prior to application to the irrigated acreage. If this occurs, the water delivery system must be designed with backflow protection to prevent wastewater from entering the well.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


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

OCT 30 2007
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 20, 2011

6356-3

Robert Meier
41061 166th St
Doland SD 57436

Dear Mr. Meier:

Thank you for returning my call concerning Water Right No 6356-3 currently listed in the name of Oscar Wenholm. I have included a copy of the water right for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed is the 2011 irrigation questionnaire for Water Right No. 6356-3. Please complete the questionnaire and return it along with the transfer of ownership and the fee.

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/30, 20 11

RECEIVED OF Robert Meier 41061 166th St Doland SD 57436

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6356-3</u>		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05090**

By Harold Erbe
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

NOV 30 2011

WATER RIGHTS
PROGRAM

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 6356-3

Date: 11-23-11

I/We request that Water Right No. 6356-3

formerly owned by: Oscar Wenholtz

be transferred to: (name & address) Robert Meier, 41061 166th St, Doland SD 57436

Telephone No. 605 635-6406

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

90 acres - NW 1/4 Section 22, T118N, R59W

I/We understand that the validity of Water Right No. 6356-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Robert Meier, the new owner, certify that the above information is true and correct.

Robert Meier

(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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 14, 2011

6356-3

Robert Meier
41061 166th St
Doland SD 57436

Dear Mr. Meier:

I am writing to acknowledge receipt of the transfer form, filing fee and the 2011 irrigation questionnaire for Water Right No 6356-3.

The ownership change has been completed. The water right formerly held by Oscar Wenholm is now listed in your name.

Enclosed for your records is Receipt No. 05090 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosure